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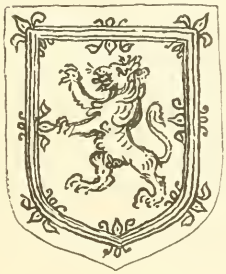

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ACTS OF THE PARLIAMENT AND OF THE PRIVY COUNCIL OF SCOTLAND RELATIVE TO THE ESTABLISHING AND MAINTAINING OF SCHOOLS FROM THE YEAR MCCCCXCVI TO THE YEAR MDCXCVI.

The following Documents have been thrown together for the purpose of exhibiting some of the earlier measures of the Scottish Government for establishing and promoting a National System of Education. The subject is one of great interest, and well deserving a more minute and extended illustration than is afforded by the Public Records of the country; but it is hoped that even the few that have been here selected, will be deemed of importance, and may prove useful to those who are disposed to investigate with care this department of the History of Scottish civilization. Among the uses to be derived from the publication of our Episcopal and Monastic Chartularies, and of the muniments of our ancient towns and burghs, it will be found that they throw numerous, although scattered and often feeble, lights on the actual state of Letters prior to the era of our Ecclesiastical Reformation. For subsequent periods, the materials will be found much more abundant.

ESTABLISHING

OF

SCHOOLS IN SCOTLAND.

In Parliamento apud Edinburgh 13 Jun. 1496.

*That all Baronis and frehaldaris of substance put their eldest sonis and airis to the Sculis.**

Item It is Statute and Ordanit throw all the realme that all Barronis and frehaldaris that ar of fubſtance put thair eldeſt

* The following privilege by the King to Walter Chepman and Andro Millar, the first Scottish Printers, is a document of some importance in the literary History of Scotland :—" James &c. To al and sindrj our ' officiaris liegis and subdittis quham it efferis to quhais knawlage thir ' our lettres salcum greting Wit ye that forsamekill as our lovittis ' servitouris Walter Chepman and Andro Millar burgessis of our burgh ' of Edinburgh has at our instance and request for our plesour the ' honour and proffit of our Realme and liegis takin on thame to furnis ' and bring hame ane prent with all stuff belangand tharto and expert ' men to use the samyne for imprenting within our Realme of the bukis

founis and airis to the Sculis fra thai be aucht or nyne ȝeiris of age and till remane at the grammer Sculis quhill thai be competentlie foundit and have perfite latyne And thaireftir to remane thre yeris at the Sculis of Art and Jure fua that thai may have knawlege and underſtanding of the lawis Throw the

‘ of our Lawis actis of parliament croniclis mess bukis and portuus
‘ efter the use of our Realme with addicions and legendis of Scottis
‘ sanctis now gaderit to be ekit tharto and al utheris bukis that salbe
‘ sene necessar and to sel the sammyn for competent pricis be our
‘ avis and discrecioun thair labouris and expens being considerit
‘ And becaus we wnderstand that this cannot be perfurnist without
‘ rycht greit cost labour and expens we have grantit and promittit to
‘ thame that thai sall nocht be hurt nor prevenit tharon be ony utheris
‘ to tak copyis of ony bukis furtht of our Realme to gar imprent the
‘ samyne in utheris cuntreis to be brocht and sauld agane within our
‘ Realme to cause the said Walter and Androu tyne thair gret labour
‘ and expens And alis It is divisit and thocht expedient be us and our
‘ consall that in tyme cuming mess bukis manualis matyne bukis
‘ and portuus bukis efter our awin scottis use and with legendis of
‘ Scottis sanctis as is now gaderit and ekit be ane Reverend fader in
‘ god and our traist consalour Williame Bischope of abirdene and
‘ utheris be usit generaly within al our Realme alssone as the sammyn
‘ may be imprentit and providit and that na maner of sic bukis of
‘ Salusbery use be brocht to be sauld within our Realme in tym cuming
‘ and gif ony dois in the contrar that thai sal tyne the sammyne
‘ Quharfor we charge straitlie and commandis yow al and sindrj our
‘ officiaris liegis and subdittis that nane of yow tak apon hand to do
‘ ony thing incontrar this our promitt devise and ordinance in tyme
‘ cuming under the pane of escheting of the bukis and punising of thair
‘ persons bringaris tharof within our Realme in contrar this our statut

quhilkis Juſtice may reigne univerſalie throw all the realme Sua that thai that ar Shereffis or Jugeis Ordinaris under the Kingis hienes may have knawlege to do Juſtice that the pure pepill ſuld have na neid to ſeik our Soverane Lordis principale auditouris for ilk ſmall Injure And quhat Baroun or frehaldar of ſubſtance that haldis nocht his ſone at the ſculis as ſaid is haifand na lauchfull eſſonze bot failzeis heirin fra knawlege may be gottin thairof he ſall pay to the King the ſoume of xx li.—[Acts of the Parliaments of Scotland II, 238.]

' with al rigour as efferis. Geven under our prive Sel at Edinburgh ' the xv day of September and of our Regne the xx^{ti} yer.'—[*Registrum Secreti Sigilli* III, 129.]—The only publications known to have issued from the press of Millar and Chepman are a collection of pamphlets, chiefly metrical Romances and Ballads, in 1508, of which an imperfect copy is preserved in the Advocates Library, and the Scottish Service Book, including the Legends of the Scottish Saints, commonly called the Breviary of Aberdeen, in 1509, of which the copies are excessively rare.

Appointment under the Privy Seal of Henry Henrysoun Master of the Grammar School of Edinburgh. 21*st March* 1529.

Preceptum confirmationis Magistri Henrici Henrisoun super litera sibi facta per reverendum in christo patrem Georgium Dunkeldensem Episcopum abbatem Monasterii Sancte Crucis prope Edinburgh pro tempore cum consensu Conventus ejusdem sub eorum communi sigillo super officio Magistri eruditionis instructionis et principalis gubernationis Scole generalis Burgi de Edinburgh durante vita sua, &c. Apud Edinburgh xxj Martii Anno MDXXIX.—per Signetum. [*Registrum Secreti Sigilli* VIII, 170.]

In Parliamento apud Edinburgh 17 Jul. 1525.

*Act anent the damnable opunyeouns of heresy.**

Item It is ſtatut and ordanit That forſamekle as the dampnable opungeouns of hereſy ar ſpred in divers cuntreis be the heretick Luther and his diſcipillis And this realm and liegis hes fermelie perſiſtit in the halifaith ſen the famin was firſt reſſavit be thaim and never as 3it admittit ony opungeouns contrair the criſtin faith bot ever has bene clene of all ſic filth and vice Therefore that na maner of perſoun ſtrangear that hapnis to arrife with ther ſchippis within ony part of this realm bring with thaim ony bukis or werkis of the ſaid Lutheris his diſcipillis or ſervandis deſputt or rehers his hereſyis or opungeouns bot geif it be to the confuſioun therof and that be clerkis in the ſculis alanerlie vnder the pane of eſcheting of ther ſchippis and gudis and putting of ther perſouns in preſoun And that this act be publiſt and proclamit out throw this realme at all portis and burrowis of the famin Sa that thai may allege na Ignorance therof [And all vther the kingis liegis aſſiſtaris to ſick opungeouns be puniſt in ſemeible wiſe And the effect of the ſaid act to ſtrik apon thaim &c.] *Additio per Cancellarium et Dominos Concilii, 4 Sept.* 1527. [*Act. Parl.* II. 295.]

* This Act is renewed by Parliament 12 Jun. 1535, with the addition—"And that nane of thame have use kepe or consele ony bukis of the saidis heretekis or contenand thar doctrine and opinionis bot that thai deliver the samin to thare ordinaris within xl days under the panis forsaidis."

IN PARLIAMENTO APUD EDINBURGH 15 MAR. 1542.

*Anent haifing the haly write baith the new Testament and the auld in the vulgar toung.**

Anent the writting gevin in be Robert Lord Maxwell In prefens of my Lord Governour and Lordis of Artikles to be avifit be thaim gif the famin be reafonable or nocht of the quhilk the tennour followis It is ftatute and ordanit that it falbe lefull to all our Soverane Ladyis lieges to haif the haly write baith the new Teftament and the auld in the vulgar toung in Inglis or Scottis of ane gude and trew tranflatioun and that thai fall Incur na crymes for the hefing or reding of the famin Providing alwayis that na man defpute or hald oppunzeonis under the panis contenit in the actis of Parliament The Lordis of Artiklis beand avifit with the faid writting findis the famin refonable and therfor thingis that the famin may be ufit amangis all the lieges of this realme in our vulgar toung of ane gude trew and juft tranflatioun becaus ther was na law fchewin nor producit in the contrar And that nane of our faid Soverane Ladyis liegis incur ony crimes for haifing or reding of the famyn in forme as faid is nor falbe accufit therfor in tyme tocum And that na perfonis defpute argoun or hald oppuniounis of the famin under the faidis panis contenit in the foirfaidis actis of Parliament.

The quhilk day Ane maift Reverend fader in God Gawyne

* The following notice occurs in the Account of the Lord High Treasurer of Scotland.—"1543.—Item the xxviij day of Marche gevin to Johne Rob Messinger passand to Dumfermling and Perth to proclame twa Letteris tueching the having of the Scripture in Inglis xxij s."

Archbiſchope of Glaſgw chanceler for himſelf and in name and behalf of all the prelatis of this realme beand preſent in Parliament ſchew that ther was ane act inſtantlie red in faice of Parliament that the haly write may be uſit in our vulgar toung and that na cryme ſould follow therupoune throw the uſing therof And allegit in the ſaid act that the thre eſtates concludit the ſamin Quhilk he for himſelf and the remanent of the prelatis being preſent as ane of the thre eſtatis of the ſaid Parliament Diſaſſentit therto ſimpliciter bot opponit thaim therto unto the tyme that ane provinciale conſale mycht be had of all the Clarge of this realme to avife and conclude therupoun gif the ſamin be neceſſar to be had in vulgar toung to be uſit amang the Quenis lieges or nocht and thereftir to ſchaw ther uter determinatioun quhat ſalbe done in that behalf and therupoun aſkit Inſtrumentis. [*Act. Parl. II.* 415.]

In Parliamento apud Edinburgh 4 Jun. 1563.

Anent ane Commissioun to visie the Collegeis of Sanctandrois and utheris within this realme and to report to the next Parliament.

Item Forſamekill as it was menit to the Quenis grace and Lords of Articlis in name of all that within this realme ar deſyrous that leirning and letters floreis that they wald tak tent to the waiſting of the patrimonie of ſum of the fundatiounis maid in the Collegeis of the Citie of Sanctandros and utheris placis within this Realme for the interteniment of the ȝouth and that few ſciences and ſpeciallie thay that ar maiſt neceſſare that is to ſay the toungis and humanitie ar in ane part not

teicheit within the ſaid Citie to the great detriment of the haill liegis of this realme thair childrene and poſteritie Deſyring thairfoir the Quenis Majeſtie and Lordis foirſaids to aviſe and rypelie conſidder that the rentis and fundatiounis of the ſaidis Collegeis mycht be employit to ſic men of knawlege and underſtanding quha hes the toungis and humanitie for inſtructioun of the youth and uther ſcience according to the inſtructioun of the ſaidis Collegeis and for weilfair of the haill liegis of this realme and thair poſteritie Thairfoir the Quenis Grace and Eſtatis foirſaidis hes gevin and grantit lyke as thay be the tenour heirof gevis and grantis full commiſſioun and powar to James Erle of Murray Lord Abirnethy &c. ane reverend father in God Henrie Biſchop of Ros Preſident of the College of Juſtice and Seſſioun Williame Maitland of Lethingtoun ȝoungar Secretar to our Soverane Lady Maiſter James Makgill of Rankelour nether Clerk of Regiſter Schir Johne Bellenden of Auchinnoull Knycht Juſtice Clerk Maiſter Johne Spens of Condie Advocat to our Soverane Lady Maiſter George Buchquhannane Maiſter Johne Winrame Priour of Portmoak and Johne Erſkine of Dun to cognoſce viſie and conſidder the patrimonie and rentis of the ſaidis Collegeis quhat the famin extendis to ȝeirlie and ſuperplus thairof how and in quhat maner and be quhat rentis and ȝeirlie proffeittis thair may men of cunning and underſtanding be had within the ſaid Citie and utheris placis quhair Collegeis ar for inſtructioun of the ȝouth in foirſaidis ſciencis of the toung and humanitie to the weilfair of the haill liegis of this Realme and thair poſteritie And to declair thair opinioun and aviſe quhat ordoure ſalbe uſit in the ſaidis Collegeis toward the

inſtructioun of the ȝouth and uthers and as thay find thairintill to reporte the ſamin to our Soverane Lady and thre Eſtatis in the nixt Parliament togidder with thair awin Jugementis and opinioun how and in quhat maner the ſamin may be eſylie done and uſit.—[*Act. Parl.* II. 544.]

ARTICLES PROPONIT TO THE PARLIAMENT.

Apud Edinburgh 3 Dec. 1567.

Anent the instruction of the youth sustentatioun of the pure and relief to the laboraris of the ground.

That proviſioun may be maid for inſtructioun of the ȝowth for ſuſtentatioun of the pure and for ſum releif to the lauboraris of the ground eſpecialie for the relief in leiding of thair teindis. *Ansueris to the first part of this article That the landis of Prebendaris of College kirks in Landwart be erectit for sustentatioun of Bursaris And referris the uther tua heidis to the Estaitis in Parliament.*

Anent reformation of Scoles and Collegis.

Item that all Scoles alſweill to burgh as land and colleges be reformit and that nane be permittit nor admittit to have charge therof or to inſtruct the youth privatlie or publictlie bot ſik as ar or ſalbe tryit be the Superintendentis and viſitatouris of the kirk and admittit be thame to thair charges. *Apprevit.*—[*Act. Parl.* III. 37, 38.]

In Parliamento apud Edinburgh 20 Dec. 1567.

Anent thame that salbe teicheris of the youth in Sculis.

Item Forſamekle as be all lawis and conſtitutiounis it is provydit That the youth be brocht up and inſtructit in the feir of God and gude maneris and gif it be utherwyſe it is tinſell baith of thair bodyis and ſaulis gif Goddis worde be not rutit in thame Quhairfoir our Soverane Lord with aviſe of my Lord Regent and thre eſtatis of this preſent Parliament hes ſtatute and ordanit thát all Sculis to Burgh and land and all Univerſiteis and Collegis be reformit And that nane be permittit nor admittit to have charge and cure thairof in tyme cuming nor to inſtruct the youth privatlie or oppinlie bot ſic as ſalbe tryit be the Superintendentis or viſitouris of the Kirk.

Anent the disposition of Provestries prebendaries and Chaplanereis to Bursaris to be fundit in Collegeis.

Item Forſamekle as the youth is not onlie ſene to preſerve the commoun weill bot alſwa of thame man ryſe ſic as efter this man ſerve in the kirk of God within this realme and to the commoun weill of the ſamin And becauſe the poverte of mony is in ſic fort that they may not hauld their children at letteris quhairby the maiſt pairt of the ȝouth of this Realme wantis the giftis and gracis of leirning requiſite to that charge And for remeid heirof Our Soverane Lord with aviſe and conſent of my Lord Regent and thre Eſtatis of this preſent Parliament

hes ſtatute and ordanit that all patrounis havand proveſtreis or prebendareis of Collegis Alterageis or Cheplanereis at thair giftis and diſpoſitioun may in all tymes cuming at thair pleſour preſent the ſamin to ane burſar quhome thay pleis to name to ſtudie vertew and letteris within ane College of ony of the Univerſiteis of this Realme thair to remaine for ſic ſpace as the patroun foirſaid pleſis to hauld him at vertew and leirning within the foirſaid College and as ſalbe aggreit upon be the patrounis of the faidis proveſtreis or prebendareis with the Principall and Miniſteris of the College of the Univerſitie And efter the patroun remuife that burſar furth of the ſaid College to preſent ane uther And ſwa furth fra ane to ane uther to the effect foirſaid at the patrounis pleſour notwithſtanding ony fundatioun or confirmatioun paſt be quhatſumever authoritie in ony tymes bygaine Anent the quhilk Our Soverane Lord my Lord Regent and thrie Eſtats of this preſent Parliament diſpenſis ſwa that the ſaidis Patrounis may diſpone thair proveſtreis and prebendareis to ſic burſaris as they ſall think expedient als oft as neid beis Quhilk ſalbe na hurt nor prejudice to thair patronage notwithſtanding thair fundatiounis and confirmatiounis quhatſumever or ony proviſioun contenit thairintill And thairfoir our Soverane Lord my Lord Regent and thre Eſtatis foirſaidis hartly requeiſtis all patrounis of Collegeis prebendareis and proveſtreis to graunt and diſpone thair proveſtreis and prebendareis to the burſaris forſaidis in maner above ſpecifyit Swa that letteris may be authoriſit and the ȝouth ſufficientlie brocht up in vertew and leirning to the glorie of God and confort of the commoun weill of this Realme. [*Act. Parl.* III. 24, 25.]

IAMES Be the Grace of God King of Scottis To our lovittis Messingeris our Schireffis Ioy that pairt cummerlie and speciallie specialis constitute Greting Forsamekle as our richt traist Cousing James Erle of Mortoun Lord of Dalkeith Regent to vis our Realme and Leigis Nobilitie, Esstaittis and Lordis of oure presbie Counsale presentlie convent, Vnderstanding be the Supplicationy of the Bischoppis, Superintendentis and Commissionaris of the Diocys Within oure Realme, How necessar it sall tend to the aduancement of the trew Religion and Instructionn of the people professing the same within oure Realme. That ilk cuirk parochy hirlie thair be a Bybill remaning in ane forme as salbe thocht expedient be the hirlie, and allowit and setfurth be oure Auctoritie, And that thair is gude Caractris and printing fund alreadie within oure Realme proper and sufficient for wirking and imprenting of the said Bible, And that zit the Charge and Bassis of the work wilbe great & sumptuous, and may not well be performit without euery parochy, aswell to Burgh as Landwart aduance aforthand the Somme of fyue pundis Vis for ilk peice of the said Bible weill and sufficientlie bund Ioy paist on tymmer, fourtie pundis xiij. Ib. iij. penneis, and for the Collectionn the Vther sax Schillingis and aucht penneis. Thairfore our said Regent, Nobilitie, Estaittis, and Counsale allowing of the said Ordour, & Willing to extend our Auctoritie to the furtherance thereof, hes ordanit that the said Somme salbe collectit of euery parochy be the Bischoppis, Superintendentis, and Commissionaris, or sic personis as thay sall appoint to the collectionn thairof and the same Imbrocht and Delinerit to Alexander Arbuthnet Burges of Edinburgh the fourtene off the said Clark Instant and the first Day of July nixt to cum, And hes commandit thir our Letteris to be Direct to that effect. QVHAIR Will Ioy herfore and we charge zow Streitlie and commandis that Incontinent thir our Letteris sene ze pas, And Ioy our Name and Auctoritie commande and Charge the principallis and Heidismen of euery parochy, aswell to Burgh as Landwart to contribute & collect the said Somme of fyue pundis with the parochy, & Delinir the same to the Bischop, Superintendent or Commissionar of the Diocy or sic as salbe appointit be him to ressaue the same within Fyfty Dayis nixt effter thay be Charget be zow thairto, To the effect the same may be Imbrocht with Diligence and Delinerit to the said Alexander Arbuthnet Burges and the said first Day of July vnder the pane off Rebellionn and puting of thame to our Horne, And gif thay failze thairin the said Fyfty Dayis being Expyrit That ze Incontinent thairefter denunce thame Rebellis, and putt thame to our Horne, And effect and Imbeing all thair mowable guidis to our Vse for thair contemptionn, as ze Will answer vis thairvpone, Quhilk to do We committ to zow comunctlie and seuerallie our full power, Be thir our Letteris delyuering thame be zow dewlie executit and indorsat againe to the Berar. Gevin vnder our Signet At Halyrudhous the aucht Day of Maye, & of our reigne the aucht zeir. 1575.

per Actum Secreti Consilij.

At Halyrudhous 8 March 1575.

Charge by the Privy Council of Scotland to contribute and collect fyve pundis in every parochin for the purchase of a Bible.

IAMES Be the Grace of God King of Scottis To our Louittis
Meſſingeris oure Schireffis In that parte coniunctlie and ſeueralie conſtitute Greting Forſamekle as oure richt traiſt Couſing James Erll of Mortoune Lorde of Dalkeith Regent to ws oure Realme and Leigis Nobilitie Eſtaittis and Lordis of oure previe Counſale preſentlie convenit Vnderſtanding be the Supplicatioun of the Biſchoppis Superintendentis and Commiſſionaris of the diocyes within our Realme How greatlie it ſall tend to the aduancement of the trew Religioun and Inſtructioun of the people profeſſing the ſame within oure Realme That In euerilk paroche kirke thair be a Byble remaning In ſic forme as ſalbe thocht expedient be the kirke and allowit and ſett furth be our Auctoritie And that thair is gude characteris and printing Irnis already within oure Realme proper and ſufficient for wirking and Imprenting of the ſaide Bible And that ȝit the charge and hafard of the wark wilbe great and ſumptuous and may not well be performit without euery parochin afweill to Burgh as Landwart aduance aforehande the fowme of fyue pundis viz for the price of the ſaide Bible weill and ſufficientlie bunde In paiſt or tymmer foure pundis xiij ſ iiij penneis and for the Collectioun the vther ſax ſhillingis and aucht penneis Thairfore our ſaide Regent Nobilitie Eſtaittis and Counſale allowing of the ſaide overture and willing to extende

our Auctoritie to the furtherance thereof hes ordanit that the ſaid fowme ſalbe collectit of euery parochin be the Biſchoppis Superintendentis and Commiſſioneris or ſic perſonis as thay ſall appoint to the collectioun thairof, and the ſame Imbrocht and deliuerit to Alexander Arbuthnet Burges of Edinburgh the furniſſar off the ſaid warke betuix and the firſt day of July nixt to cum And hes commandit thir oure Letteris to be direct to that effect OVRE Will Is heirfore and We charge ȝow ſtraitlie and commandis that Incontinent thir oure Letteris ſene ȝe pas And in oure name and Auctoritie commande and charge the principallis and Heidiſmen of euery parochin alſweill to Burgh as Landwart to contribute and collect the ſaide fowme of fyue pundis within the parochin and deliuer the ſame to the Biſchop Superintendent or Commiſſioner of the diocy or ſic as ſalbe appointit be him to reſſaue the ſame within Ten dayes nixt efter they be chargeit be ȝow thairto To the effect the ſame may be Inbrocht with diligence and deliuerit to the ſaide Alexander Arbuthnet betuix and the ſaide firſt day of July vnder the pane off Rebellioun and putting of thame to oure horne And gif thay failze therein the ſaide Ten dayes being bypaſt That ȝe Incontinent thairefter denunce yame Rebellis and putt yame to oure horne And eſcheit and Imbring al thair mowable gudis to our vſe for thair contemptioun as ȝe will anſwer til ws thair vpone The quhilk to do we committ to ȝow coniunctly and ſeueralie our full power Be thir our Letteris delyuering thame be ȝou dewly execute and Indorſat agane to the berar Gevin vnder our Signet At Halyrudehous the aucht day of Marche and of our reigne the aucht ȝeir 1575.

Per Actum Secretj Conſilij

In Parliamento apud Striviling 25 Jul. 1578.

Anent the Viſitation of the Univerſiteis and Collegis.

Forſamekill as the Univerſiteis of this realme ar appointit for the educatioun of the ȝouthheid quhilk ſuld be ſeid of gude learning and maneris within this realme And that the ſamyn being richtlie foundit alſweill in rentis as proviſiounis of Maiſteris and burſerris And that notwithſtanding thay ar miſuſit be particular perſonis to thair awin avantage without reſpect of the educatioun of the ȝouth in wertew and gude letteris Regarding na thing the commoun welth of this realme For remeid of the quhilk Our Soverane Lord with aviſe and conſent of the thrie eſtaittis of Parliament Gevis grantis and committis full power and commiſſioun to the richt honorabillis reverend perſonis efter following to pas to the Collegis and Univerſiteis efter ſpecefeit And ther vefy and conſidder the fundatiouns and erectionis of the Univerſiteis and Collegis within this realme with full power to thame to reform ſic thingis as foundis to ſuperſtitioun ydolatrie and papiſtrie and to diſplace ſic as ar unqualefiit and unmeit to diſcharge ther office in the ſaidis Univerſiteis and to plant ſic qualefiit and worthie perſonis therintill as thai ſall find gude and ſufficient for the educatioun of the ȝouth and conform to the commoun weill of this Realme That is to ſay for the Univerſiteis of Sanctandrois the Archebiſhop thairof The Archebiſhop of Glaſgow The Biſchop of Aberdene Robert erll of Levenox Robert erll of Buchane Maiſter Andro Melvile and Maiſter Peter Young For the Univerſitie of Aberdene the ſaid Archbiſhop of Sanctandrois the

Biſchop of Aberdene the ſaid Robert erll of Buchane The Commendatar of Deir Maiſter Robert Maitland dene of Aberdene and Mr George Hay perſon of Rauthwen For the Univerſitie of Glaſgow the Archbiſhop thairof the ſaid Robert erll of Levenox Robert Lord Boyd Maiſter Andro Hay Maiſter Thomas Smetoun and Maiſter Andro Polwart Quhilkis perſonis particularlie abonewrittin appointit as ſaid is Sall convene and begyn at Sanctandrois the firſt day of November nixt tocum at Aberdene the xv day of the ſamyn moneth and at Glaſgow the xxiiij day of the ſamyn moneth of November nixt tocum And thai being convenit at the particular places reſpective abone expremit Sall putt this preſent act and ordinance to dew executioun in all pointis Efter the forme and tennour thairof as they will anſuer to our Soverane Lord thairupoun And to report ther procedingis reſpective to the Kingis grace and Counſall the firſt day of Januar nixt tocum And to that effect that thai may tak forther ordour therintill gif neid beis. [*Act. Parl.* III. 98.]

In Parliamento apud Edinburgh 10 Nov. 1579.

*That Househaldaris have bybillis and psalme buikis.**

Item It is Statut and ordanit be our Soverane Lord and his thrie eſtaitis in this preſent Parliament That all gentilmen

* In reference to the above act of Parliament, the following license appears in the Register of the Privy Seal.—At Montrose 16 June 1580.

Ane Letter made with avise and consent of the Lordes of our Sover-

houſhaldaris and utheris worth thrie hundreth merkis of ȝeirlie rent or abone and all fubſtantious ȝemen or burgeſſis likewiſe houſhauldaris eſtemit worth fyve hundreth pundis in landis or guidis be haldin to have a bible and pſalme buke in vulgare language in thair houſſis for the better inſtructioun of thameſelffis and thair fameliis in the knawlege of God within ȝeir and day efter the dait heirof Ilk perſone undir the pane of ten pundis And that the Proveſt and baillies of ilk burgh and ſic perſone in every parochyne to landwart as ſalhave the Kingis commiſſioun ſearche inquire and try quha failȝeis heirin And they being convict thairof to uptak the ſaid pane of every ane that failȝeis the thrid part to thame ſelffis for their panes and the tua part to the help and releif of the puyr of the parochyne. —[*Act. Parl.* III. 139.]

In Parliamento apud Edinburgh Nov. 11. 1579.

For Instructioun of the Youth in Musik.

For Inſtructioun of the ȝouth in the art of muſik and ſinging quhilk is almaiſt decayit and fall ſchortly decay without tymous remeid be providit Oure Soverane Lord with aviſe of his thrie eſtaitis of this preſent parliament Requeiſtis the pro-

ane Lordes Secreit Counsall To Jhone Williamson burges of Edinburgh To vesie seik and serche all and sundrie housses and duelling places alsweill burgh as land regalitie as royaltie within his hienes realme and dominiouns &c. and to requyre the sicht of thir Bybill and Psalme buik gif thai ony haue to be merket with thair awin name of the said John or his deputtis handwryte for eschewing of fraudfull and deceavabill dealing in that behalf, &c. &c.—[*Registrum Secreti Sigilli* xlvi, 129.]

veſt baillies counſale and communitie of the maiſt ſpeciall burrowis of this realme And of the patronis and proveſtis of the Collegis quhair ſang ſculis ar foundat To erect and ſett up ane ſang ſcuill with ane maiſter ſufficient and able for inſtructioun of the ȝowth in the ſaid ſcience of muſik As they will anſuer to his hienes upoun the perrell of their fundationis and in performing of his hienes requeiſt do unto his Majeſtie acceptable and gude pleſure. [*Act. Parl.* III, 174.]

In Parliamento apud Edinburgh 11. Aug. 1607.

Commissioun anent Grammer and teacheris thairof.

Oure Soverane Lord and eſtaittis of this preſent Parliament underſtanding the latine towng to be greatlie diminiſchit within this realme to the heavie prejudice of the commoun weall of the famyn And the ſpeciall cauſe thairof to be the want of the uniforme teacheing of all the pairtis of grammer eſtabliſchit be ane Law in all the pairtis of this realme wherethrow be the curioſitie of diverſe maiſteris of ſcholis baith to burgh and land taking upoun them eftir thair fantaſie to teache ſuche grammer as pleaſis them The ȝouth quha be occaſioun of the peſt and utherwayes being oft and diverſe tymes changeit to diverſe ſcholis and maiſteris be alteratioun of the forme of teacheing ar haillely prejudgeit For remede quhairof it is thocht expedient be our Soverane Lord and Eſtaittis of this preſent Parliament That thairſhall be ane fatlit forme of the beſt and maiſt commoun and approvin grammer and all pairtis thairof collectit eſtabliſchit and prentit to be univerſallie teacheit in all the pairtis of this realme be the haill maiſteris and teacheres of grammer

in all tyme cuming Thairfoir oure faid Soverane Lord and Eſtaittis of Parliament preſentlie convenit hes gevin and grantit and be thir preſentis gevis and grantis full power and commiſſioun to Alexander erle of Dunfermeling Chancellar of this realme James Lord of Balmirrenoch Secretar to his Majeſtie Sir Thomas Hammyltoun of Bynnie knycht his hienes Advocat Mr John Preſtoun of Pennycuk Collectour generall Sir John Skene of Curryhill knycht Clerk of Regiſter Mr Thomas Craig and Mr Williame Oliphant Advocattis Mr Williame Scott of Elie Mr Patrick Sandis and Mr Johne Roy ſcholemaiſter of Edinburgh or ony fyve of thame conjunctlie To trye cognoſce conclude and ſett doun ſic forme and ordour as they ſall think maiſt meitt and expedient To be obſervit heireftir be all maiſteris of grammer within this realme And our ſaid Soverane Lord and eſtaittis forſaidis declairis that the procedingis of the ſaidis Commiſſionaris in the ſaid mater ſhall be als effectuall as gif the ſamyn wer ſpeciallie ſet down be act of this preſent Parliament And that publicatioun be maid thairof at all places neidfull with command thairin to all maiſteris of ſcholis to obey the ſamyn under the pane of deprivatioun of thame from teacheing and payment of twentie pundis to the pure of the parochin quhair they duell. [*Act. Parl.* IV, 374.]

Letter from King James the Sixth to the Privy Council of Scotland Nov. 2. 1616.

JAMES R.

Righte truſtie and righte welbeloued coſen and counſel-

lour And righte truſtie and welbeloued counſellouris Wee greett yow well Whereas it is neceſſarie for the better eſtabliſhing of true religion that childrein be catechiſed and educated in the knowledge of the groundes thereof frome their tender yeares And whereas manie parentes are ſo negligent and careles in that point as their childrene being eyther altogether ignorant or careleſſie inſtructed are when they come to age eaſily peruerted and drawen to Poperie It is therefor our pleaſour that yee cauſe make and publiſhe an acte commaunding all parentes to uſe the ordinarie meanes of inſtructing their young childrene to preſente thame to their ordinarie paſtour at all uſuall times of cathechiſing and examination and to bring thame to the biſhoppe of the diocefe at euerie viſitatioun to be tried and confirmed by him with certification that ſuch parentes as ſhall neglecte theſe meanes ſhall pay according to their qualitie a pecuniall ſumme withoute anie remiſſion And this recommending to your ſpeciall care Wee bid yow farewell At our pallace of Whitehalle the ſecunde day of Nouember 1616. [*Original preserved in the General Register House.*]

Act of the Privy Council of Scotland appointing a scoole to be in euery parroche Dec. 10. 1616.

Forſameikle as the Kingis Majeſtie haueing a ſpeciall care and regaird that the trew religion be advanceit and eſtabliſheit in all the places of this kingdome and that all his Majeſties ſubjectis eſpecially the youth be exerciſed and trayned up in

civilitie godlines knawledge and leirning That the vulgar Inglifh toung be univerfallie plantit and the Irifche language which is one of the cheif and principall caufis of the continewance of barbaritie and incivilitie amangis the inhabitantis of the Ilis and heylandis may be abolifheit and removit And quhairas thair is no meane more powerfull to further this his Majeſteis princelie regaird and purpois than the eſtabliſhing of Scooles in the particular parocheis of this kingdome whair the youth may be taught at leaſt to wreit and reid and be catechiſed and inſtructed in the groundis of religioun Thairfoir the Kingis Majeſtie with aduiſe of the Lordis of his ſecreit Counſall hes thocht it neceſſar and expedient that in euerie parroche of this kingdome whair convenient meanes may be had for interteyning a ſcoole That a ſcoole ſalbe eſtableiſhit and a fitt perſone appointit to teach the ſame upoun the expenſis of the parrochinaris according to the quantitie and qualitie of the parroche at the ſight and be the aduiſe of the Biſhop of the diocie in his viſitatioun Commanding heirby all the Biſhoppis within this kingdome That they and everie ane of thame within thair ſeverall dioceis deale and travell with the parrochinaris of the particular parrocheis within thair ſaidis dioceis to condeſcend and aggree upone ſome certane ſolide and ſure courſe how and by quhat meanes the ſaid Scoole may be enterteyned And gif ony difficulteis arryſe amongis thame concerning this mater That the ſaid Biſhop reporte the ſame to the ſaidis Lordis to the effect they may take ſuche ordour heiranent as they ſall think expedient And that letteris be direct to mak publicatioun heirof quhairthrow nane pretend ignorance of the ſame.

Act of the Privy Council of Scotland anent the catechesine of childrene Dec. 10. 1616.

Forſameikle as the Kingis Majeſtie with the aduiſe of the Lordis of his Secreit Counſale hes found it verie neceſſar and expedient for the better eſtabliſcheing of the trew religionn that childrene be catecheſed and educate in the knowledge of the groundis therof from their tender yeiris And feeing mony parentis ar fo careles and negligent in that point as thair childrene being aither altogidder ignorant or cairleſſie inſtructed ar quhen thay come to aige eaſilie pervertit and drawne to Poperie Thairfore his Majeſtie with aduiſe foirfaid hes commandit and ordanit and be thir preſentis ſtraitlie commandis chairges and ordanes all and ſindrie parentes to uſe the ordinar meanes of inſtructing thair young childrene to preſent them to thair ordinar paſtour at all uſuall tymes of catechiſing and examinatioun and to bring thame to the Biſchop of the dyocie at everie viſitatioun within the parroche to be tryed and confirmed be him under the paynes particularlie underwrittin to be incurrit toties quoties be euerie perſone failzeing to preſent thair children to the Biſhop at his viſitatioun as ſaid is That is to ſay be euerie nobilman fourtie pundis be euerie Barone fourty merkis and be euery inferiour perſone twenty merkis or leſſe according to the meanes of ilk perſone And that letteris be direct to mak publicatioun heirof that nane pretend ignorance of the ſame.

Letter from King Charles I. to the Archbishops and Bishops for schooles to be in everie parochin— Windsor 25 aug. 1626.

Right Reverend &c. We are informed that it was Provided that Engliſh ſchooles ſhould be eſtabliſhed in all the Parochins within that our Kingdome for better inſtructing of childeren and of the vulgar ſort in the knowledge of the treue religion And for the better civiliſing and removing of the Iriſh language and barbaritie out of the heigh landes there And that all Biſhops within the ſaid kingdome in the viſitation of their Dioceſes ſhould ſee the ſame accordinglie performed at ſuch Places as ſhould be thought moſt fitting for the eaſe of the ſaid childeren ſetting down a competent meanes for the entertainement of the Scholemaiſters which courſe (as wee are likwiſe informed) hath not been by yow putt in execution with ſuch exact diligence as was requiſite in a matter of ſuch importance Therefor our Pleaſure is that yow cauſe eſteabliſh the ſaid Scholes in ſuch pairts as ſhalbe found moſt requiſite And where the Scholemaiſters can be beſt provyded with competent mantenance according to anie good act and order heretofor preſcryved for this purpoſe And that you weeklie in your ſeuerall dioceſes be carefull in ſeing that euerie Miniſter in his particular paroch Catechiſe his Parochiners in the groundes of Religion which as a cheefe poynt of his Miniſterie is requiſite to be duely obſerued. Thus expecting your readie performance of the Premiſſis We bid yow fairwell Windſore the 25 of Auguſt 1626.

In Parliamento apud Edinburgh 28 Jun. 1633.

Ratification of the Act of Secreit Counsall Anent plantatione of Schooles.

Oure Soverane Lord with the advyſe of the eſtates Ratifies the act of ſecreit counſall daited at Edinburgh the tent day of December ane thouſand ſax hundred and ſaxteine zeirs maid anent the planting of ſchooles With this additione That the Biſchops in thair ſeverall viſitatiounes ſall have power with conſent of the heritors and moſt pairt of the pariſchioners And if the heritor being lawfullie wairnit refuiſſis to appear then twih conſent of the moſt pairt of the pariſchioners To ſet downe ane ſtent upon everie plough or huſbandland according to the worth for maintenance and eſtabliſching of the ſaids ſchooles And if any perſone ſall find himſelf greived it ſall be lawfull to him to have recourſe to the lords of ſecreit counſall for redres of any prejudice he may or doeth ſuſteine And ordaines letters to be direct for chairging of the poſſeſſors for the tyme to anſwere and obey the ſchoolmaiſters of the dewties that ſall be appointed in maner forſaid. [*Act. Parl.* V, 21.]

In Parliamento apud Edinburgh 10 Sept. 1639.

[*Minutes done in the Articles.*]

The article for plantatione of Schoolis Remitted to the Commiſſione to be granted for plantatione of Kirks, &c. [*Act. Parl.* V, 259.]

In Parliamento apud Edinburgh 20 Aug. 1641.

Overturis from the Generall Aſſemblie for Univerſities and Schoollis red in Parliament Item ſome Overturis anent Miniſteris And appointis everie Eſtate to haif the dowble thairof that they may be advyſed therwith and gif any of thame concerne his Majeſtie moir particularlie that the note thairof be delyvered to the Kingis Advocat.

[*Overtours for Schooles.*

1. Everie pariſh would have a reider and a ſchooll wherein childrene ar to be bred in reading wryting and grundis of religioun according to the lawdable acts both of Kirk and Parliament maid befoire.

And where Grammer Schooles may be had as in Burghes and in other conſiderable places (among which all preſbyteriall Seats ar to be reputed) that they may be erected and held hand to.

2. Anent theſe Schooles everie Miniſter with his elders ſall give accompt to the Preſbyteries at the viſitatioun of the kirk The Preſbyteries ar to mak report to the Sinod and the Sinod to the Generall Aſſemblie that Schooles ar planted as abowewſaid and how they ar provyded both in men and meanes.

3. And becaus this hath bene moſt neglected in the Hielandis Ilandis and border Thairfoire the miniſter of everie pariſhe ar to inſtruct by thair Commiſſionaris to the next Generall Aſſemblie that this courſe is begune betuix and then and they ar further to certefie from one Generall Aſſemblie to another whither this courſe is continued without ommiſſioune or not.

4. And becaus the meanes hitherto named or appointed for Schoolis of all ſortis hath bene both litle and ill payed Thairfoir beſyd former appointmentis (the execution quhairof it is humblie deſyred and to be petitioned for at the handis of his Majeſtie and the Parliament) The Aſſemblie wold farther ſupplicat the Parliament that they in their wiſdome would find out how meanis ſalbe had for ſo good ane uſe eſpeciallie the childrene of poore men (being very capable of learning and of good engynes) may be trained up according as the exigence and neceſſitie of everie place ſall requyre and that the Commiſſionaris who ſalbe named by this Aſſemblie to wait upon the Parliament may be appointit to repreſent this to his Majeſtie and the Parliament ſeing his facred Majeſtie by his gratious letter hath put us in the hop heirof quhairwith we have bene much refreſhed.

5. The Aſſemblie wold ſupplicat the Parliament that for youthes of the fyneſt and beſt ſpiritis of the Hielandis and borderis maintenance may be allowed as to Burſars to be bred in Univerſities.

6. For the tyme and maner of viſitatioun of Schooles and contryveing the beſt and moſt compendious and orderly cours of teaching Grammer we humblie deſyre the Aſſemblie to appoint a Committee for that effect who may report thair diligence to the nixt Generall Aſſemblie.] [*Act. Parl.* V, 367.]

In Parliamento apud Edinburgh 2 Feb. 1646.

Act for founding Schooles in everie paroche.

The Eſtates of Parliament Conſiddering how prejudiciall the want of Schooles in manie Congregations hathe bene and how beneficiall the founding therof in everie Congregation wilbe to this kirk and kingdome Doe thairfore Statute and Ordane That there be a Schooll founded and a ſcholemaſter appointed in everie paroche not alreadie provydit by advyſe of the Preſbitrie And to this purpoſe that the heritouris in everie congregation meet amongſt themſelfis and provyde a commodious hous for the Schoole and modifie a ſtipend for the Schoolemaiſter whiche ſall not be under ane hundereth merkis nor above twa hundereth merkis to be payit zeirlie at tuo termes And to this effect that they ſett doune a ſtent upon everie ones rent of ſtock and teind in the paroche proportionallie to the worth therof for mantenance of the Schoole and payment of the Schoolmaſteris ſtipend Whiche ſtipend is declared to be dew to the Scolemaſteris by and attoure the caſualities whiche formarlie belonged to reidaris and clerkis of Kirk Seſſions And if the heretouris ſall not conveene or being conveened ſall not aggrie amongſt themſelfis Than and in that caiſe the Preſbi-

trie ſall nominat tuell honeſt men within the boundis of the preſbitrie who ſall have power to eſtabliſhe a Schoole modifie a ſtipend for the Schoolemaſter with the latitude before expreſt and ſet doune a ſtent for payment thairof upoun the heritouris whilk ſalbe alſe valide and effectuall as if the ſamen had bene done be the heritouris themſelfis And becaus the proportions impoſed wilbe verie ſmall Thairfore for the better and more readie payment therof It is further ordained That if two termes proportions run in the thrid unpayit Then theſe that ſo faill in payment ſalbe lyable in the double of thair proportions than reſting and in the double of everie termes proportion that ſalbe reſting therefter ay and quhill the Schoolemaſter be compleitlie payit and that without anie defalcatioune And that letteris of horning and all uther executoriallis neceſſar be directed at the inſtance of the Schoolemaſter for payment of the double of the proportions in maner foreſaid Diſchargeing heirby anie ſuſpenſion to pas againſt the Schoolemaſteris without conſignatioune And it is declared that lyverenteris during ther lyiftyme ſalbe lyable in payment of the proportion impoſed upon the landis lyfrented and execution in the maner before expreſt ſhall pas aganis them for that effect And the heritouris ſalbe alwayes frie of the ſame during the lyfrentaris lyftyme And if anie perſones find themſelfis wronged be inequalitie of the proportions impoſed It ſalbe laufull for them to ſeik redres thairof before the Lordis of Secrete Counſall or Seſſion within zeir and day efter the impoſing of the ſtent and no otherwyſe. [*Act. Parl.* VI, 216.]

In Parliamento apud Edinburgh Jul. 4. 1690.

Act for visitation of Universities Colledges and Schoolls.

Our Soveraigne Lord and Lady the King and Queens Majeſties and the three Eſtatis of Parliament conſidering how neceſſarie it is for the advancement of Religion and Learneing and for the good of the Church and peace of the Kingdome that the Univerſities Colledges and Schools be provided and ſerved with pious able and qualified Profeſſors Principalls Regents Maſters and others bearing office therein well affected to their Majeſties and the eſtabliſhed government of Church and State Therefore their Majeſties with advyce of the ſaids Three Eſtatis of Parliament doe Statute Ordaine and Enact that from this time forth no Profeſſors Principalls Regents Maſters or others beareing office in any Univerſity Colledge or School within this kingdome be either admitted or allowed to continue in the exerciſe of thair ſaids functions but ſuch as doe acknowledge and profeſs and ſhall ſubſcryve to the confeſſion of faith ratified and approven by this preſent Parliament and alſoe ſweare and ſubſcryve the oath of allegiance to their Majeſties And withall ſhall be found to bee of a pious loyal and peaceable converſation and of good and ſufficient literature and abilities for their reſpective Imployments and ſubmitting to the government of the Church now ſettled by law And albeit it be their Majeſteis undoubted right and prerogative to name viſitors and cauſe viſite the foirſaid Univerſities Colleges and Schoolls yet at this tyme their Majeſties are pleaſed to nominate and appoint with advyce and

confent forfaid the perfons undernamed viz. The Duke of Hamilton Earle of Argyle Earle Craufurd Earle Marſhall Earle Morton Earle Caſſills Earle Lothian Earle Kintore Viſcount of Arbuthnet Viſcount Stair Lord Raith Lord Elphingſton Lord Cardrofs Lord Carmichael Lord Ruthven Maſter of Burghley Maſter of Stair Lord Advocate Sir George Campbell Juſtice Clerk The Maſter of Forbes Mr Alexander Swinton of Merſingtoun Mr David Home of Croffrig Mr John Hamilton of Halcraig Senators of the Colledge of Juſtice Sir Patrick Hume of Pollwart Sir John Maxwell of Pollock Sir Thomas Burnet of Lies Sir Robert Sinclair of Stevinſone Sir George Monro of Cullren Mr Francis Montgumrie of Giffins Mr James Melvill of Hallhill Broadie of that Ilk Grant of that Ilk Dunbar of Grainge Mr Robert Learmont of Ballcomey Peter Hay of Naughton elder Cunninghame of Craigens John Dempſter of Pitliver Drummond of Meggins George Moncreife of Ready elder Sir John Hall of Dunglaſs Sir William Hamilton Alexander Spittell of Leuchat John Anderſon of Douhill Mr James Smallat Mr James Rymer miniſter Mr William Tullidaffe Mr Gabriel Cuninghame Mr Edward Jameſon Mr Alexander Pitcairne Mr Hugh Anderſone Mr Gilbert Rule Mr Hugh Kennedy Mr John Law Mr James Kirktoun Mr David Blair Mr George Campbell Mr George Meldrum Mr Alexander Forbes Mr William Violand Mr William Mitchell Mr Robert Wyllie Mr James M'Gill Mr Henry Rymer and Maſter John Oliphant to be viſitors to the effect under written viz With full power and Commiſſion to them or major part of them hereby declared to be their quorum To meet and viſite all Univerſities Colledges

and Schoolls within this kingdome and to take tryall of the preſent Profeſſors Principalls Regents Maſters and others beareing office therein according to the qualifications and rules above mentioned and ſuch as ſhall be found to be erroneous ſcandalous negligent inſufficient or diſaffected to their Majeſties Government or who ſhall not ſubſcryve the Confeſſion of faith ſweare and ſubſcribe the oath of allegiance and ſubmitt to the Government of the Church now ſettled by law to purge out andremove As alſoe to conſider the foundations of the ſaids Univerſities Colledges and Schoolls with the rents and revenues thereof and how the ſame have been adminiſtred and manadged and to ſett down ſuch rules and methods for the good manadgement thereof for hereafter As likewiſe for ordering the ſaids Univerſities Colledges and Schoolls and the profeſſions and manner of teaching therein and all things elſe relateing thereto as they ſhall thinke moſt meet and convenient according to the foundations thereof and conſiſtent with the preſent eſtabliſhed government of Church and State And to the effect that theſe preſents may be more ſurely execute Their Majeſties with advyce forſaid doe farther Impower the forſaids perſons viſitors or their quorum to appoint Committies of ſuch numbers of their own members as they ſhall thinke fitt to viſite the ſeverall Univerſities and Colledges within this kingdom with the Schoolls within the bounds to be deſigned to them and that according to ſuch inſtructions and injunctions as they ſhall thinke fitt to give them And to the effect that upon report made be the ſaid Committee to the aforſaid viſitors or their quorum they may proceede and conclude thereupon as they ſhall ſee cauſe And their Majeſties appoints the forſaids viſitors

to meet at Edinburgh upon the twenty third day of July inſtant for the firſt dyet of their meeting with power to them to adjourne and appoint their own meetings to ſuch dayes and places as for thereafter they ſhall judge convenient And this Commiſſion to endure ay and while their Majeſties recall and diſcharge the ſame. [*Act. Parl.* IX, 163.]

In Parliamento apud Edinburgh Jun. 15. 1693.

Act altering the Quorum of the Commission for Visitation of Universities Colleges and Schools.

The King and Queens Majeſties conſidering that in the Commiſſion granted in the ſecond ſeſſion of the current Parliament for viſitation of Univerſities Colledges and Schools the major part of the viſiters is appointed to be a Quorum and ſeing there may be difficultie to get ſo great a number as the major part of them to meet and that thereby the proſecution of the ſaid Commiſſion may be fruſtrate Therefore their Majeſties with advice and conſent of the Eſtatis of Parliament doe ordaine Eleven of the perſons nominate by that Commiſſion to be a Quorum in place of the major part formerly appointed by the ſaid Commiſſion. [*Act. Parl.* IX, 329.]

In Parliamento apud Edinburgh October 9. 1696.

Act in favors of Universities Schools and Hospitalls.

Our Soveraign Lord and Eſtates of Parliament being reſolved to give all encouragement to Univerſities Schools and Hoſpi-

talls Do therfor extend the Acts and Lawes made in favors of Miniſters of the Goſpell for their more eaſy and ſpeedy ingathering of their Stipend viz That there be no ſuſpenſion except on Conſignation and as to allowance of Expenſes and ſummar proces to Univerſities Schools and Hoſpitalls to the effect they may have the ſame benefite therof for uplifting and ingathering their rents and debts that the forfaid Miniſters have for their ſtipends. [*Act. Parl.* X, 58.]

Act for Settling of Schools.

Our Soveraign Lord conſidering how prejudiciall the want of Schools in many places have been and how beneficiall the eſtabliſhing and ſetleing therof in every paroch will be to this Church and Kingdom Therfor His Majeſtie with the advice and conſent of the Eſtates of Parliament Statutes and Ordains that there be a School ſettled and Eſtabliſhed & a Schoolmaſter appointed in every paroch not already provided by advice of the Heritors and Miniſter of the paroch And for that effect that the Heritors in every paroch meet and provide a commodious houſe for a ſchool and ſettle and modifie a ſallary to a Schoolmaſter which ſhall not be under one Hundred merks nor above two Hundred merks to be payed yearly at two terms Whitſunday and Martinmaſs by equall portions and that they ſtent and lay on the ſaid ſallary conform to every Heritors valued rent within the paroch allowing each Heritor relieff from his tennents of the half of his proportion for ſettling and maintaining of a School and payment of the Schoolmaſters ſallary which ſallary is declared to be by and attour the

caſualities which formerly belonged to the Readers and Clerks of the kirk ſeſſion: And if the Heritors or major part of them ſhall not conveen or being conveened ſhall not agree among themſelves then and in that caſe the Preſbitrie ſhall apply to the Commiſſioners of the Supply of the ſhire who or any five of them ſhall have power to eſtabliſh a ſchool and ſettle and modifie a ſallary for a Schoolmaſter not being under one hundred merks nor above two hundred merks yearly as ſaid is and to ſtent and lay on the ſamen upon the Heritors conform to their valued rent which ſhall be alſe valid and effectuall as if it had been done by the Heritors themſelves And becauſe the proportion impoſed upon every heritor will be but ſmall Therfor for the better and more ready payment therof It is Statute and Ordained that if two terms proportions run in the third unpayed then theſe that ſo fail in payment ſhall be lyable in the double of their proportions then reſting and in the double of every terms proportion that ſhall be reſting thereafter ay and while the Schoolmaſter be compleatly payed and that without any defalcation And that Letters of Horning and all other Executorialls neceſſar be directed at the inſtance of the Schoolmaſter for payment of the ſaid ſtipend and double of the proportions in manner forſaid And diſcharges all Suſpenſions to paſs againſt Schoolmaſters of the ſallaries except upon conſignation or a valid diſcharge And if any ſuſpenſion be paſt that the Lords diſcuſs the ſamen ſummarly without abideing the courſe of the roll And it is hereby Declared that Liferenters dureing their lifetime ſhall be lyable in payment of the proportion impoſed on the Lands liferented and Execution in manner forſaid ſhall paſs againſt

them for that effect and the Heritors ſhall be alwayes free of the ſame dureing the Liferenters lifetime and if any perſon find themſelves wronged by the inequality of the proportions impoſed it ſhall be lawfull for them to ſeek redreſs thereof befor the Commiſſioners of Supply Sherriff of the ſhyre or other Judge competent within the ſpace of year and day after the impoſeing of the ſtent and no otherwayes As alſo it is declared that the provideing of the ſaid Schools and Schoolmaſters is a pious uſe within the paroch to which it ſhall be lawfull and leiſum to Patrons to imploy the vacant ſtipends as they ſhall ſee cauſe excepting from this act the Bounds of the Synod of Argyle in reſpect that by a former Act of Parliament in the year one thouſand ſix Hundred and ninety the vacant ſtipends within the ſaid bounds are deſtined for the ſetting up and maintaining of Schools in manner therein mentioned And the ſaid vacant ſtipends are hereby expreſsly appointed to be thereto applyed at the ſight of the Sheriff of the bounds forſaid And laſtly his Majeſtie with advice and conſent forſaid Ratifies and Approves all former Lawes Cuſtoms and Conſtitutions made for eſtabliſhing and maintaining of Schools within the Kingdom in ſo far as the ſame are not altered nor innovat by this preſent Act. [*Act. Parl.* X, 63.]

APPENDIX.

EXTRACTS FROM THE ACCOUNTS OF THE COMMON GOOD OF VARIOUS BURGHS IN SCOTLAND, RELATIVE TO PAYMENTS FOR SCHOOLS AND SCHOOLMASTERS, BETWEEN THE YEARS 1557 AND 1634.*

Aberdeen.

1574, 5—Item to the Maister of the Grammer Schoill for his fee of the twa termis - - xxxiij ℔ vj ℈ iiij ₰

Item to the Maister of the Sang Schoill - xiiij ℔ xiij ℈ iiij ₰

1633, 1634—Item to the Maister of the Grammer Shole

j^{c} xxxiij ℔ vj ℈ viij ₰

These Accounts are preserved in a pretty considerable number in the General Register House. They seem to have been rendered annually in Exchequer, in consequence of the Act of Parliament, 12 Jun. 1535, entituled,—"*Off chesing of Officiaris in Burgh and bringing of thare Comptis of thare commoun gudis yerelie to the Chekker.*" Item Becaus all our Soverane Lordis Burrowis are putt to povertie waistit and distroyit in thare gudis and polecy and almaist ruynous throw falt of using of merchandice And that throw being of Outlandis men Provest ballies and aldermen within burgh for thare awine particular wele In consumyng of the commoun gudis of burrowis grantit to thame be our Soverane Lord and his predecessouris Kingis of Scotland

Aberbrothock.

1621, 1622—Item to Mr James Philp Schoolmaister lxvj ℔ xiij š iiij d
Item to James Hill his Doctor - - four pundis
1633, 1634—Item to the Skoolmaister for his fie - xl ℔
Item to his Doctor - - - xiij ℔ vj š viij d

Annand.

1628—Imprimis to our Scoilmaister - - xl ℔

Anstruther-Eister.

1634—Item the Maister of the Grammer Skule - - xl ℔

Ayr.

1627—Item to the Maister of the Grammer Scule his stipend jc ℔
Item for his hous maill - - xiij ℔ vj š viij d
The Scule hous maill - - - xx ℔
To the Doctour of the Grammer Scule quha teichis under the Maister vj bollis victuall and vj ℔ xiij š iiij d of silver.

for the uphald of honeste and polecy within burgh &c. &c. &c. And that all Provestis baillies and aldermen of burrowis bring yerelie to the Chekkir at the day sett for geving of thare comptis thare compt bukis of thare commoun gudis To be sene and considerit be the Lordis Auditouris gif the samin be spendit for the commoun wele of the burgh or nocht under the panis forsadis And that the saidis Provest baillieis and aldermen of every burgh warne yerelie xv dais befor thare euming to the Chekker all thai quha likis to cum for examyning of the saidis comptis That thai may argwne and Impugne the samin as thai plesis sua that all murmour may ceise in that behalf."—*Act. Parl.* II, 349.

Item to the Maister of the Musik Scule for teaching of the Musik Scule and taking vp of the psalmes in the kirk x bollis victuall and xiij ℔ vj ʂ viij ₫ of silver.
Item the maill of the Musick Schole - - viij ℔
1633, 1634—The same as in the year 1627–8.

Banff.

1612—Item to the Maister of Scole for his fie - xl merkis
Item to his Chalmer maill and Scoile - xx merkis
1622—Imprimis to our Maister of our Scholl - lxxx merkis
1628—Imprimis to the Maister of the Grammer Schooll liij ℔ vj ʂ viij ₫
Item for reiding of the prayeris and uptaking of the psalme xx ℔

Burntisland.

1612—Item to the Readare for Reading of the prayeris xxxiij ℔ vj ʂ viiij ₫
Item for the Scholhous maill - - ix ℔
1621—The same as in the year 1612.
1627—Item to the Reidar for his stipend xxxiij ℔ vj ʂ viij ₫
Item to the Scholmaister for his fie - xxxiij ℔ vj ʂ viij ₫
1633—Item to the Reidar for his stipend - xxxiij ℔ vj ʂ iiij ₫
Item to the Scholmaister for his fie - lxvj ℔ xiij ʂ iiij ₫

Cupar.

1575—Item to the Maister of the Grammer Scuill - xl ℔b
1579—Item to the Maister of the Grammer Scole his fie and Chalmer maill - - - - xxvj ℔ xiiij ʂ iiij ₫
Item the Doctors fie - - xiij ℔ vj ʂ viij ₫
1581—Item the Master of the Grammer Scole for ane chalmer maill - - - xxvj ℔ xiij ʂ iiij ₫

Item the Doctors fie - - - xiij ℔ vj ʃ viij d
Item to the Maister of the Sing Scole fie - vj ℔ xiij ʃ iiij d
1627, 1628—Item to Mr Robert Williamson Maister of the Grammer Scoill of the said Burgh his yeiris stipend - jᶜ ℔
Item to Mr Johne Moreise Doctour at the said Scooll his yeiris stipend - - - liij ℔ vj ʃ viij d
Item to Mr Alexander Tyllideaphe Maister of the Musick Scool jᶜ ℔
Item to Johne Mitchell Doctour thairof - xxvj ℔ xiij ʃ iiij d

Craill.

1574—Item payit to the Maister of Scole quhilk wes of auld payit to the chaiplane of the rude altar - - xl ʃ
Item payit for the Maister of the Scolis hous maill vj ℔ xvj ʃ
1576—The same as in 1574 with this addition.
Item of the sowme of viij ℔ gevin to ane messoun for bigging of the Scoll - - - - Summa viij ℔
1579, 1581, 1582—Item payit to the Scule Maister prebender of the Halie ruid service - - - iiij ℔
1583, 1584—Item of the sowme of four pundis payit to the Scule Maister of the said burgh - - iiij ℔
1622—To the Maister of the Skoill - iijˣˣ vj ℔ xiij ʃ iiij d
To the vptaker of the Psalme - - xx ℔
1628—To the Master of the School - jᶜ ℔

Cullen.

1628—Item to the Maister of Scoole - iij scoir ℔
1634—Item to the Maister of Schoole - lxvj ℔ xiij ʃ iiij d

Dumbarton.

1577—Item to the Scholemaister of the said Burgh in augmentatioun

of the auld stipend becaus all things ar dar nor in tymes of auld and that he could nocht be better schape conducit - x ℔

Dumfries.

1590, 1591—Item to the Scholemaister - xx merkis
To the reaser of the psalmis - - l ʃ
1627, 1628—Item to the Scoolemaister for his feall and chalmer maill lx ℔
1633, 1634—Item to the Schoole Maister for his feall and chalmer maill - - - - iij^{xx} ℔
To the readar and Maister of the Sang Schoole - iiij^{xx} ℔

Dunbar.

1581—Item for the Minister and Skuillhouse maill in the yeir xviij merkis
1599—Imprimis to the Schulmaister - sex scoir pundis
1621—Item to Mr Alexander Home Scholemaister for his feall and hous maill - - - iiij^{c} lxvj ℔ xiij ʃ iiij d
Item to the teicher of the Inglische Schoole and musick j^{c} ℔
1627, & 1633—Imprimis to Mr Alexander Home Scholemaister for his stipend - - - - iiij^{c} ℔
Item for his hous maill - - - xl ℔
Item to the teicher of the Englische Schoole - xx ℔

Dundee.

1577—Item for the Scule maill to the bairnis - vj ℔
1582, 3—Item for ane part of the Maister of the Gramer Scholis stepand - - - xxx ℔
1602—Item to the Maister of the Grammer Scole ij merkis
Item to the Maister of the Sang Scule - lxxx ℔

1621, 1622—Item to Mr James Glyg maister of the Grammare Schoole for his hous maill - - - iij^{c} ℔
Item to Mr John Mow Maister of the Music Schoole for his fie and hous maill - - - ij^{c} ℔
1628—Item to Mr James Gleg Maister of the Gramer Schole for his fie and hous maill - - - iij^{c} ℔
Item to Mr John Mow Maister of the Music Seule for his fie and hous maill - - - ij^{c} lxvj ℔ xiij s iiij d
1634—The same as in 1628.

Elgin.

1622—First to the Maister of the Gramer Scole lxvj ℔ xiij s iiij d
To the Master of the Music Scole - - j^{c} ℔
1632, 1633, & 1634—To the Maister of the Grammare and Musick Schuillis - - ij^{c} and xxx ℔

Forfar.

1576—Item for kenning of ane skwill to the Maister x merkis
Item for the Skwill house maill - - iiij merkis
1577—Maister of the Seule - - viij ℔
1622—Item to our Scoul Maister - - xl ℔
Item the Schoull Maister hous - - xx merkis

Forres.

1627—Item to our Maister of Schoole for teatcheing of the samyn lxxx ℔
Item to ane reider for reiding of the prayeris daylie in the kirk xx ℔

Haddington.

1557—Item to the Seule Maister of fee - xx merkis
Item for Seule hous maill - - - xl s

Item to the Belman for praying for all cristyne saullis xiij ʃ iiij ₫
1576—Item to Mr James Carmichaell for his Scule hous fie and his hous maill - - - xl ℔
Item to Maister James Carmichaell of the first termis payment betuix the toun and him of the ourgevin of the Scule - xl ℔
Item to ane boy to beir ane bill to the Minister of Lithqw, to try the conditioun and ordour of the Scule Maister - x ʃ
1633—Item to the Master of the Grammer Schoole in feyall ij^{c} ℔

Inverkeithing.

1628—Item to the Reider for reiding of the prayeris and attending on the Scooll - - - xxxiij ℔ xiij ʃ iiij ₫
1634—Item to the Reader and Schoolmaister yeirly xxxvj ℔ xiij ʃ iiij ₫

Inverness.

1576—Item to the Master of the Grammer Scule xxvj ℔ xiij ʃ iiij ₫
1628—Item to the Master of the Grammer Schoil - iiij^{xx} ℔
Item giffin to the Master of the Music Scuil - xxxvj ℔
1634—Item giffin to the Master of the Grammer Scoil iiij^{xx} ℔

Inverurie.

1633—Item for helping ane Scooll - xx ℔

Irving.

1628—Item to our Scholemaister - - liij ℔
Item to our Doctour and Musiciner - - . . .
1633—Our Schoolmaister - - lxxx merkis
Our Doctour and Musiciner - - j^{c} ℔

Jedburgh.

1591—Item the Sculmaister - - xxx ℔
1592—Item the Maister of the Scules fie - xx ℔

Kinghorn.

1575—Item to the Redar and Maister of Scule xiij ℔ vj ß viij d
1576, 1577—To the redar - - xiij ℔ vj ß viij d
1581—Item to the schoilmaster and commoun clerk - xx ℔
1621—Item to Mr Thomas Biggar reidar for his fie liij ℔ vj ß viij d
1627, 1628—Imprimis to Mr Thomas Biggar reidar for his reidar fie in reiding the prayeris at the kirk of the said burgh liij ℔ vj ß viij d
Item to William Wells doctor of the scuill of the said burgh for guyding and keeping of the clock - - v ℔ xij ß
1633, 1634—Item to Mr Thomas Biggar reidar at the Kirk of the said Burgh for his ordinar stipend - liij ℔ vj ß viij d
Item to the doctor of the schole of the said brugh for his fies xlix ℔

Kirkcudbrycht.

1634—Item to our Schoolmaister the said yeir for teiching in our Schuill and reiding in the kirk - - j ℔

Lanark.

1576—Item to our sculemaister - iij ℔ vj ß viij d
Item for mending of the Sculehous - l ß
1599, 1600—Item to our scuillmaster for techinge the youith liij ℔ vj ß viij d
1621, 1622—Item to the Scholmaister - iij^{x} vj ℔ xiij ß iiij d

1627, 1628—Item to the Scholemaister of the said bruche that teiches the grammer for the saidis twa termes - jc ℔
Item to ane uther Scholemaister that teichis the musick
iijxx vj ℔ xiij š iiij d
1633, 1634—In the first gevin to the schoolemaister - jc ℔
Item to the mwsichioner of the burgh - jc merkis

Lauder.

1594—Item to the Schoolmaster for his fey - xvj ℔
1621, 1622, 1633—In the first to Mr George Ewein Scholmaister of the said Burgh for his fey conforme to ane contract maid betuix him and us - - - - lx ℔

Linlithgow.

1575—Item deliuerit to the maister of the skull of the termes of Lammas and ahalowmes in anno lxxv geiris - xxvj ℔ xiij š iiij d
1620, 1621—Item I discharge me with the ordinar expenssis of the said Burghe debursit be me the said termes and quhilkis ar in use to be payit yearlie To the Reidar Skuillmaster and utheris officeris within Burgh and pensioneris conform to the Guid tounes auld rentall therof extending in the haill to - - iiijc l ℔ xiij š iiij d

North Berwick.

1628, 1633—Item to our Scoolmaister - xx ℔

Peebles.

1608—Item to Mr John Young Skwilmaister for his yeirlie fie and chamber maill - - - jc ix ℔
Item gevin to the Doctowr of the Skuill - xvj ℔

1628—1634—Item gevin to our Scholmaister and doctour for their feyis ij^{c} l merkis

1634—In the first gevin to our Schoolmaister and Doctor for their yeirlie fies - - - - ij^{c} ℔

Perth.

1575, 1576—Item to the Maister of the Grammer Skuill for learneing of the youth - - xxvj ℔ xiij ʒ iiij d

Item for deillis geistis and werkmanschip to the lofting of the Grammer Skuill - - - - xl ℔

1577, 1578—Item the Maister of Schoule xxvj ℔ xiij ʒ iiij d

Item the Redaris fe - - xvj ℔

1627—Item to Mr Henrie Adamsone reidar thair iiij^{c} iij^{xx} merkis

Item to Mr Johne Durward Maister of the Grammer Schoole ij^{c} l merkis

1633—Item to Mr Henrie Adamsoun reidar thair iiij^{c} iij^{xx} merkis

Item to Maister Johne Row Maister of the Grammer Scooll thair ij^{c} l merkis

Renfrew.

1633, 1634—Item in the first gevin to the Skuill Maister of the Grammer Skuill - - - j^{c} ℔

Rothesay.

1619—Item gevin for the maill of ane Scooll hous vj ℔ xiij ʒ iiij d

Item gevin out of the commoun purs to help to sustene ane Scoolmaister - - - xx ℔

1628—Item geawin for the maill of ane Schoolhous and of feall to onr Schoolmaister - - xxvj ℔ xiij ʒ iiij d

1634—Item geavin to thair Scholmaister - xx ℔

Item for a Schoolhous maill - - viij ℔

Ruthergien.

1628—Item to the Schoolmaster of the said burgh for his fieall xx ℔
1633—In the first debursit to our Scuilmaster and redare
xxxiij ℔ ß vj viij ₰

St Andrews.

1626, 1627—Item to the publict reader - j^{c} ℔
Item to the Maister of the Musik Scholl and for taking up of the psalme at preacheing and prayeris of fie - ij^{c} ℔
Item to the Maister of the Gramar Scholl for his fie j^{c} lxvj ℔ xiij ß iiij ₰
1632, 1633—The same as in 1626, 1627.

Selkirk.

1606—Item to the Maister of the Scule and vnder Doctour l ℔
Item for the Scule maill - - x ℔
1627—Item to Mr Thomas Wilkie Schollmaister for his fie j^{c} merkes
Item for the maill of the Scholl hous - x ℔

Stirling.

1576—Item to the Master of the Grammer Scuil fee
xxxiij ℔ vj ß viij ₰
1617, 1618—Item the Maister of the Schole - ij^{c} merkis
Item the Doctour of the Schole - - xx ℔
Item for mending of the Schole - - xxiiij ℔
1628—Item to our reeder at the kirke in feall - ij^{c} ℔
Item to our Maister of Schole - j^{c} ℔
Item to our Doctors in the Grammer Scuile - lx ℔

Tayne.

1620—Item payit to thair Reidar and Schoolmaister the said yeir iiij^{xx} ℔i

1622—Item payit to thair Redar and Schoolmaister the said zeir iiij^{xx} ℔i

1628—Item to Mr Thomas Ross Master of the Gramour Schooll j^{c} ℔ƀ
Item to Mr Johne Tullideff Reider and Master of the Musiek Schooll j^{c} ℔ƀ

Wigton.

1577—Item to the Scule Maister for techeing and uphalding doctryne to the yowth Summa thairof extendis to - vj ℔i xiij ʂ iiij ₫

1620—Item to the Scholmaister of the said burghe . iiij^{xx} ℔ƀ

1628—First to the Schoolmaister - iiij^{xx} ℔ƀ
Mair to him for reiding of the prayeris in the kirk xxxiij ℔ƀ vj ʂ viij ₫
Item to ane Selatter for uphalding the kirk Tolbuith and Scooll yeirlie xiij ℔i vj ʂ viij ₫

1633—Imprimis gevin to ane Schoolmaister for teiching the Grammer Schoole reiding and raising the psalmeis in the kirk yeirlie iij^{c} merkis

EXTRACTS FROM ORIGINAL LETTERS OF GEORGE EARL OF MORTON TO HIS SON JAMES LORD ABERDOUR, AS TO PROCEEDINGS IN PARLIAMENT RELATIVE TO THE PORTEOUS MOB.

M.DCCXXXVII.

The riot and murder, known by the name of The Porteous Mob, furnish one of the most recent instances in our history, of the "*perfervidum ingenium Scotorum*," being publicly displayed in acts at once of daring resistance to law, and of atrocious cruelty to an individual. The particulars of that occurrence, with many of the events which preceded and followed it, have, in The Heart of Mid-Lothian, and the Notes to that tale, been collected with accurate care, and recorded by an unrivalled pen. And this renders any narrative introductory to the following Extracts quite unnecessary.

The unusual magnitude of the crime, the skill with which it appeared to have been planned, the determination with which it was persevered in, and the shocking fate of the unhappy victim, all contributed to raise the strongest feelings of horror in the minds of well-disposed persons. The interval which had elapsed since the rebellion of 1715 was not so great as to prevent apprehensions on the part of the Government of a general disaffection, or at least of ulterior violence being

manifested by the populace of Scotland. Hence extraordinary pains were taken to sift the affair to the bottom ; and a great excitement with regard to it prevailed, not only throughout Scotland, but also in the metropolis of the empire.

This the following Letters will in some measure illustrate. They contain an account of the proceedings in both Houses of Parliament, which followed these events ; and this, though brief, is valuable for its very plainness and simplicity. It was communicated by a Nobleman in high estimation for his integrity and abilities, to his son, who afterwards succeeded him as Earl of Morton, at a time when the system of full Reports, by which the proceedings of Parliament are now so voluminously recorded, was totally unknown. To the kindness of the present Earl the Club is indebted for the use of the original letters ; as it has been on former occasions for other interesting papers.

The petition to the Queen in favour of Porteous, which is printed from the original in the possession of the Society of Antiquaries of Scotland, is given, both as being in itself a curious document, and as embodying some palliating circumstances which led to the extension of the royal mercy to that unfortunate man.

LETTERS RELATIVE TO THE PORTEOUS MOB.

London, 10*th February* 1736-7.

James,

This day being appointed to take the Kings Speech under conſideration, the Lord Carthret moved that the houſe might be adjourned and turn'd into a Committee of the whole houſe, and then he made a long ſpeech upon the ryots and mobs that had been committed at ſundry turnpyiks in the Weſt and at Spitlefields; and then his Lordſhip expatiate upon the horrid mob and murder that was committed at Edinburgh, and even ſaid that it might take away the priviledges of the City, and propoſed that the Provoſt and Majeſtrates that were in place at that time ſhould be ordered to appear at the barr of the Houſe of Lords to give an account of their behaviour on that occaſion. He was anſwered by the Duke of Newcaſtle, who ſpoke as modeſtly as that horrid ſubject could bear, and the Lord Batters ſpoke and ſeconded Lord Carthret's; then the Earl of Ilay (who has not as yet recovered his late ilneſs) ſpoke in a very hanſom manner, and tho' he condemned the

horridneſs of that mob and the cruelty which they had committed, yet he ſpoke very ſtrongly againſt taking away the priviledges of the City, or removing the Court of Juſtice to another place, which was propoſed by the Lord that opened the debate; and then Lord Carthret made the motion that the Provoſt and Majeſtrates that were in office at that time, and the officer that commanded the Town Guaird, ſhould be ordered to appear at the barr of the Houſe of Lords to anſwer ſuch queſtions as ſhall be aſked at them, and that General Miles ſhould be ordered to appear at the ſame time, and a true copy of Captain Porteous's tryal, and the orders that were ſent down after that mob ſhould be laid before the houſe, which was ſeconded by Lord Batters, and was carryed, and they are appointed to appear this day moneth. By this you'l ſee what a dilemma that vilanous mob has brought upon our nation, and the City of Edinburgh in particular, and God knows what length it will be carryed. I wiſh to God the Majeſtrates may be able to make a diſcovery of the ringleaders, which I perceive will be the only thing that can obtain them and that ancient City favour. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 15*th February* 1736-7.

JAMES,

I believe before this time that the warrand for ordering the Provoſt, Baillies, and Captain of the Town Guard of Edinburgh, (to appear at the bar of the Houſe of Lords) will be arrived,

which I ſuppoſe will lay the courage of your mob vindicators and encouragers, for the Peers are reſolved to be at the bottom of it.

I am ſorry to have it to tell you that yeſterday's morning my Lord Chanceller dyed, of five days ilneſs, of an inflammation in his ſtomach, which is as great a loſs to this nation as could come by the death of any ſubject, for there is not a man in England that can ſupply his place for a learned, upright, honeſt, and juſt Judge, and who is lamented by every body. The King is much better this day, and the Duke of Newcaſtle, Sir Robert Walpole, my Lord Herrington, and his Secretary of War, were with him this forenoon. * * * * *
I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 5*th March* 1736-7.

JAMES,

I had yours of the 26th ultimo, and hear that Captain Linn came to town two or three days agoe, and Mr Irvin and ſome others came ſince, but the Majeſtrates were not come this afternoon, but am told they will be here to-morrow; and I ſuppoſe the miniſters will forgive them for traveling on Sunday, being a caſe of neceſſity, but how they will mannage their matters it's more than I know; but you may believe that a ſett ſpeech will not do their buſineſs, for there are ſome Lords deſigns to have them examined very ſtrictly, but I hop that nothing will appear that can hurt the priviledge of the City,

and I realy believe it will not appear that the Majeſtrates have been anywiſe concerned in encourageing the mob, and that their only crime is being deficient in their duty, in not exerting themſelves in time to ſupreſs that mob, which I realy think was occaſioned from ignorance and fear; as for Linn, I doubt not but he will vindicat himſelf, tho' it is not doubted but he muſt certainly know ſome of thoſe that were active among the mob, but a litle time will clear us of this. * * * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, *8th March* 1736–7.

JAMES,

I have yours of the 1ſt by yeſterday's poſt, with an account of the Maſter of Roſs's ilneſs, which I am heartly ſorry for, and wiſh him a good recovery, for I have reaſon to believe that one will ſucceed him that will not fill his place. * * * * I ſuppoſe you have heard that Lord Bute is to ſtand for the 16 Peer in room of the Earl of Orkney. Yeſterday the houſe of Peers were upon the Duke of Athole's claim, to the tytle of Lord Barron Strange, as the next heir to it, which he carryed unanimouſly; ſo that he and his ſucceſſors will ſit as a Peer for England in the Houſe of Lords for ever. * * * I hear our Majeſtrates are all come to town, and muſt make their appearance on Thurſday next. * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

London, 10*th March* 1736–7.

James,

Yeſterday I received yours of the 3d, &c. * * *

This day the Majeſtrates of Edinburgh, and others that were ſent for, were called to the bar of the Houſe of Lords, and ſwore, and afterwards were ordered to withdraw, and the houſe went into a Committee of the whole houſe; the Provoſt was called to the bar and examined upon ſeveral queries given in by the Lord Carthret, and ſeveral queſtions aſked him by other Peers; the examination continued till near 7 o'clock, and realy he behaved very well, and much better than was expected; the debeat is adjourn'd till Wedenſday next, and then the reſt will be taken to taſk, and I doubt not but they will behave as well as the Provoſt did, ſo I hop they will come much better off than was expected; but there was a motion made that Lieut.-General Wade, and Provoſt Linſay, ſhould aſk lieve from the Houſe of Commons to be examined: I reckon it will be a pretty tedious buſineſs before we end it.

* * * * *

I give you all my bleſſing, and am

Your affectionate Father,

Morton.

London, 17*th March* 1736–7.

James,

* * * I have been laid up with the gout ſince Saturday laſt, and was not able to goe and hear the Majeſtrates examined yeſterday, but this day (tho' very lame) I went in

my clok to the houſe, and heard Captain Lind examined, who anſwered very diſtinctly and very pointedly, but differed in ſeveral queſtions from the Provoſt; and I am affraid that the poor Provoſt does not ſtand in ſo good a light as he did; others are to be examined to-morrow, and if I am able I'll venture out. * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 19*th March* 1736–7.

JAMES,

Yeſterday Provoſt Lindſay was examined at the bar, who gave very diſtinct anſwers, which were as favourable for the conduct of the Magiſtrates and himſelf as the nature of the thing would bear, but it ſtill appeared they were very negligent and difficient in their duty in not ſuppreſſing that vile mob. General Miles was examined nixt, who ſaid very much for his own vindication, and bleamed the Majeſtrates and Mr Lindſay for not bringing a written order to him, and certainly they were to bleam, ſeeing he had all the ſogers about the town in readyneſs at the Canongate Guard to march, before Mr Lindſay came to him, but theſe two differed in ſome reſpects: General Wade is not yet examined, but will on Tueſday firſt, but I think it ſeems to be agreed on all hands, that the Majeſtrates have been very deficient, and I am affraid the Provoſt will not come off ſo well as I would wiſh him. A litle after the Commitee was up and the houſe reſumed, to our great

ſurprize Lord Lovel moved, that the Lord Juſtice Clerk ſhould be ſent for, which occaſioned long debeats, it being an unprecedented thing to ſend for a Judge without giveing a reaſon, and the Lord Chancellor himſelfe ſpoke againſt it, and ſhew'd the unreaſonablenefs of it; then it was propoſed to delay it at that time, and that it might be taken up afterwards, but this they would not yield to; and ſeverals of the Court party differted us, but at the diviſion we carryed it, but I believe that it will be moved again to ſend for him. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 22*d March* 1736–7.

JAMES,

I have yours of the 15th. I cannot tell you what to think of the Duke of Athol's being made an Engliſh Peer, ſeeing I don't hear of any Scots Peer being to be elected in his room at this time, but I cannot give you the reaſons, I not haveing heard as yet what they are that are given for it. I have been pretty much out of order of late by a fit of the gout, and pains in my ſhoulders, tho' I was oblidged to goe to the Houſe of Peers this day, where I heard Colonel Durure, Major Pool, and General Wade examined, which continued near five hours; they do not make for the Majeſtrates: I ſuppoſe you'l ſoon hear that Lord Milton, Lord Royſton, and Lord Dun are ordered to attend the houſe, which motion was made yeſterday

by the Duke of Newcaſtle, which if it had not, I believe the other party wou'd have moved this day to have brought Lord Milton by himſelf; and as the houſe was riſeing it was moved to ſend for Mr James Graham, Jun., which was occaſioned by ſomething that Major Pool told of a diſcourſe that happened betwixt him and Mr Graham, upon Captain Porteous's wryting a letter to the Major, to ſtay 'till his tryal was over, which Mr Graham ſaid he would ſpeak to the Advocat about, and that the Advocat told him he might goe, and that he would allow the evidence he gave to be admitted in the tryal, which I can hardly believe; and upon this Mr Graham is ordered to attend Monday comes three weeks, which I think is very hard upon him. * * * * I give you all my bleſſing; Is all I have time to ſay to-night, but am

Your affectionate Father,

MORTON.

LONDON, 24*th March* 1737.

JAMES,

I have yours of the 17th. * * I fancy by this time the Jury has brought in their verdick againſt M'Lauchline, tho' he is indicted for high Treaſin, as well as other crimes: To-morrow all the evidence that was given at the bar is to be read to the houſe, and then the conſideration will be adjourned for ſome time, and I believe till the Lords of Juſticiary come up. * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 26*th March* 1737.

JAMES,

I have no news to write you to-night, but that on Thurfday laft the depofitions of the Majeftrates of Edinburgh, Colonel Durure, Major Pool, and General Wade, were read before the houfe, and the conſideration of them is to be taken upon Thurſday next, which realy comes out pretty ſtrong; and it was moved by a Lord, that the Provoft ſhould be ſent to Newgate, for prevaricating in his examination, but the conſideration of the whole having been put off till Thurſday, it was let drop 'till the whole was before them, and then I am affraid they will be heavy on his Lordſhip and ſome of the Magiſtrates: I heartly wiſh we may have the account of M'Lachline's being condemn'd before that day come; otherways, we ſhall be all affronted, and make good the paragraph of General Miles's letter, wherein he afferts to the Duke of Newcaſtle that no Jury will condemn any of Porteous's murderers, that are tryed in Scotland; I ſhall bring you down a coppie of the heall afidavats, which I have been at the expence to cauſe write out. * * *

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 29*th March* 1737.

JAMES,

* * * That unhappy affair of Porteous's is like to keep us long togither: It was indeed ſurprizing to every

body to hear that M'Lauchlean has got off for want of evidence againſt him, and I am affraid it will be of ill conſequence to the Majeſtrates, whoſe affair is to be before the Houſe of Lords Thurſday next; I admire they ſhould have tryed this fellow without haveing clear evidence againſt him, for it has brought a ſcandall upon the whole nation, and God knows what the conſequence may be; it has made good what General Wade and Miles wrote to the Duke of Newcaſtle, that no Jury in Scotland would condemn any that were concerned in the murder of Porteous, and I now make no doubt but all England believes it. * * * *

I give you all my bleſſing, and tell Sholto that I hear he is a very good child. I am

Your affectionate Father,

MORTON.

LONDON, 2*d April* 1737.

JAMES,

Yeſterday the Edinburgh affair came before the Houſe of Lords, and I herewith ſend you a coppie, (which I had from one of the Clerks of Parliament) of the motions and reſolves which paſt yeſterday, which occaſioned long debates and ſpeeches; and M'Lauchlan's being aſſoilzied has occaſioned a great ſpight againſt the provoſt. It ſeems ſome days agoe it was reſolved to puniſh the Provoſt, and not to medle with the reſt of the Magiſtrates, and it was agreed by the whole houſe that he ſhould be puniſhed, but they differed in the method of doing of it: The Duke of Argile ſpoke twice ex-

traordinary well, and expreſt his indignation againſt the horrid mob, and the neglect of the Provoſt for not uſeing proper means to prevent it, but was not for having the puniſhment by a bill, he thinking bills of that nature might be of ill conſequence to the priviledges of the Houſe of Peers, but ſaid, he thought it might be done after another manner, but as a bill was thought the beſt method, it was carryed as you'l ſee by the incloſed; and the Duke of Argile voted againſt that method, as did the Duke of Athole; Earl Iſlay withdrew, Earl Selkirk was abſent, Earls Crawfoord, Findlater, Dunmore, Bredalbean, Laudan, Cathcart, and myſelf were for the bill. The Duke of Buckleuch and Portmore were in the country. All thoſe that voted againſt the bill, except the two Scots Peers, ſeem'd to be for having the puniſhment higher, and Earl Straford propoſed to have the Provoſt ſent to Newgate: This will occaſion the Parliament to ſit a long time, for it muſt be all tryed of new, and witneſſes examined, and its probable the Houſe of Commons may deſire to have witneſſes examined before them, ſo the Provoſt may have a chance, for the Lords will not allow the Commons to make the puniſhment greater, as ſome Lords would have been at. I underſtand John Drummond writes to his brother William, but I doubt if he will get a coppie of this which I ſend you, therefore may ſhew it to him, or any other of your friends you pleaſe; and if Willy Martin fall in your way, may ſhew it to him likeways, if you find that he has not ſeen any other of them. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 5*th April* 1737.

JAMES,

Laſt night I had yours of the 29th ultimo, and likewiſe yours of the 22d, wherein you mention ſomething of M'Lauchlan's being acquitted, which came ſafe to hand; and I don't doubt but Pitcur may have likewiſe received his letter before this time, for letters will fall by ſometimes for a poſt, and yet come by the next. * * * This day the Provoſt's bill was read the firſt time, and is appointed to be read the ſecond time on the 3d of May, when the tryal will begin of new; the Provoſt is allowed to ſummond witneſſes, and will alſo be allowed council, and it's poſſible that the Commons may either reject it, or make ſome amendments, which the Houſe of Peers won't agree to.

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 16*th Aprile* 1737.

JAMES,

* * * Yeſterday I was viſiting our three Judges, who have made a ſafe journey, and ſeems to be in very good health and ſpirit. I don't ſee how the Houſe of Peers can trouble them, but am affraid the Houſe of Commons will be very hard on poor Lord Milton, on account of impriſoning ſome of the Majeſtrates of Haddington at the laſt election. * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 19*th April* 1737.

JAMES,

* * * I am affraid it will be the midle of June before I reach Edinburgh. Our three Scots Judges are to make their appearance in the Houſe of Lords upon Thurſday 7 night, and I am told they are to do it by a write from the King, and will ſit upon the Wool-Sacks with the Engliſh Judges, which will be the moſt honourable way of bringing them there, and I ſuppoſe they will appear in their gowns; I wiſh they may come off with as much honour at laſt, as I hop they will. Upon Thurſday next Porteous's tryal (which is printed) is ordered to be read to the houſe, and is to be taken to conſideration upon this day 7 night, where it will be debeated; this day our Lord Provoſt was admitted to beal, and Mr Blackwood and Mr Claud Johnſton are his two beals, each of them is bound in £1000, and the Provoſt himſelf is bound for £2000. * * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 26*th April* 1737.

JAMES,

I have yours of the 19th, with one incloſed for Colonel Charles, which I ſent to him. I am ſtill troubled with the pain at my ſtomack, tho' I am eaſier than when I wrote you laſt; and likeways I am troubled with rheumatick pains in my ſhoulders and arms, which I have had leſs or more ſince before I came from Scotland, which I was in hopes to have

got carryed off by drinking goat-whey, but I have now given over hopes of it, it being thought that the Parliament wont riſe till the latter end of June, or beginning of July, and all this is owing to your curſed mob. This day the Houſe of Peers was upon the conſideration of Porteous's tryal, which occaſioned many and long debates, and continued till 8 at night, and then the furder conſideration of it was adjourned to Friday: Our Judges have not as yet been called to appear before the houſe, nor do I hear that it is as yet determined in what manner they are to appear. I am very fatigued, and can ſay no more, but my bleſſing to you all. I am

Your affectionate Father,

MORTON.

LONDON, 3*d May* 1737.

JAMES,

* * * Yeſterday we had a long debate about the manner our Judges ſhould appear, and it being found by the Records of Parliament that never any Judges that were called by the Peers had been alowed to ſit among Engliſh Judges, but one ſingle inſtance of two that had been Judges who were called by the Convention at the Revolution, and afterwards were diſmiſſed, and never allowed to come to the houſe again; but it appeared upon many occaſions that the Keepers of the Great Seall, the Chanceller of Exchequer, always appeared at the bar, and even the great Lord Chief Juſtice Holt being once called appeared likeways at the bar; ſo it was put to the vote, and it carryed that they

ſhould come to the bar, 48 againſt 37, ſo they were uſhered in by the Keeper of the black rod, and chairs ſet for them, tho' they had no occaſion to ſit down, and every queſtion that was aſked at them were put in writing, and joining their heads together. Lord Dun, who was appointed to anſwer firſt as being youngeſt, gave his anſwer, and next Lord Royſton, and then the Juſtice Clerk, and they all anſwered very exactly to every queſtion as they were put to them; ſo they were ordered to withdraw, upon Lord Carthret's moveing that ſome of our laws might be altered, and further propoſed that Engliſh Judges and our Judges ſhould conferr together, and prepare a bill againſt next year, to be brought in for that purpoſe, and I don't hear that they will be called again. This day being appointed to read the Provoſt's bill a ſecond time, he was brought to the bar of the houſe, and the council for the King opened the caſe againſt him, and propoſed to call witneſſes, but it being late the houſe adjourn'd 'till to-morrow at 11 of the clock, and then we ſhall have a pretty long day of it: The Duke of Argile moved three different queſtions in relation to what part the officers of the army were to act upon being commanded with a party to ſee the ſentence of the law put in execution when a criminal was ordered to be hanged at Stockſmercat, or any other town in England, in caſe a mob attacked them, and likeways how they were to behave in caſe a mob drew themſelves up in a narrow place to ſtop them from getting forward to the place of execution; and the third queſtion was much to the ſame purpoſe, and the Judges were ordered to give their opinion; and then it was moved by ſome Engliſh Peer, that the Scots Judges that are here ſhould give their opinion how

the laws of Scotland ſtood in relation to theſe queſtions that were moved by Duke of Argile, but Earl Ilay moved that the Judges ſhould goe firſt to Scotland, that they might conſult their law books, and diſcourſe their brother Judges upon it, and then to return their opinion in writing; ſo with a good deall of debate this was yielded to, and I hop you'l get our Judges ſoon home. * * *

I ſend you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 10*th May* 1737.

JAMES,

* * * The Provoſt's bill was read a ſecond time yeſterday, which Lord Crafoord made a ſpeech againſt, and it is to be in the Committee to-morrow, and you may depend it will paſs our houſe in ſpite of us all; but that which concerns me moſt is, that we cannot prevent the guards being taken away, and the Natherbow ports pull'd down, and I am affraid it will likeways paſs the Houſe of Commons, tho' ſome people will have, that they will through it out. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 12*th May* 1737.

JAMES,

* * * Yeſterday the Provoſt's bill paſſed the Committee, and is to be read a third time to-morrow, where

we will have a full diviſion, and I doubt if there will be any body againſt it but the Scots. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 24*th May* 1737.

JAMES,

* * * The Provoſt's bill (as they call it) is appointed to be read a ſecond time to-morrow, and then the fate of it will be knowen, 'tho I make no manner of doubt but it will paſs, and I am told they deſign to lay a fine on the town or the Provoſt for the behoof of Porteous's widow: At preſent it ſeems to be very uncertain when the Parliament riſes, for the midle of June is reckon'd to be the ſooneſt, ſo I don't expect to have the pleaſure of drinking goat-whey this year.

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 26*th May* 1737.

JAMES,

Laſt night I had yours of the 19th. Yeſterday being appointed for reading of the Provoſt's bill a ſecond time in the Houſe of Commons, after ſome debate, it carryed to be read by 146 againſt 99, and the houſe is to goe into a Committee upon it next week; ſo you need make no doubt but it will

paſs the houſe; and I believe with ſome more claufes added to it than it had when it paſſed the Houſe of Lords: I believe there will be a proviſion made for appointing a method to keep the peace of the town, 'tho not by a guard of ſouldiers with red coats and guns. * * * *

I think of nothing elſe to ſay at preſent, but my bleſſing to you all. I am

Your affectionate Father,

MORTON.

P. S. * * I almoſt forgot to tell you that all the Scots Members voted againſt the reading the bill a ſecond time, except Brigadier Anſtruther, and Brigadier Robert Murray, who repreſents an Engliſh Burgh.

TO THE QUEENS MOST EXCELLENT MAJESTY,

The Humble Supplication of the Noblemen and others underwritten,

SHEWETH,

That Wee, his Majeſtys moſt dutyfull and loyall Subjects hereto ſubſcribing, doe with the moſt profound reverence and ſubmiſſion beg leave in humble manner to lay before your Majeſty,

That John Porteous, late Captain Lieutenant of the City Guard of Edinburgh, was indited by His Majeſty's Advocate Generall, ffor having, while he the ſaid John Porteous was

attending the execution of Andrew Wilſon, with a detachment of the guard of the ſaid City under his command, ffired himſelf, and given orders to the men of the guard to fire upon the multitude aſſembled at the ſaid execution, whereby ſeverall perſons were killed and wounded.

That the Jury ſett upon him, after evidence adduced, did find ſpeciall in manner following, viz. FOUND IT PROVEN that the ſaid John Porteous fired a gun among the people aſſembled at the place of execution and time libelled, As alſo that he gave orders to the ſoldiers under his command to fire, and upon his and their ſo fireing, the perſons mentioned in the Inditement were killed and wounded. AND FOUND it proven, That the pannell, *i. e.* John Porteous and his guard, were ATTACKED AND BEAT with ſeverall ſtones of conſiderable bigneſs, whereby ſeveralls of the ſoldiers were bruiſed and wounded.

That upon the return of this verdict the High Court of Juſticiary did condemn the ſaid John Porteous to be hanged upon the eight day of September nixt.

That Wee doe with the utmoſt humility and reverence beg leave to ſubmitt it to your Royall wiſdom, whither there are not ſome circumſtances attending the caſe of the ſaid John Porteous that may plead our excuſe for thus preſenting him to your Majeſty, as a proper object of the Royal Clemency; and whither, if the ſentence aforeſaid ſhall be executed to the rigour, it may not encourage wicked and evill diſpoſed perſons to adventure upon reſiſting the juſt execution of the laws. And THEREFORE, if in reſpect of the attack upon the guard ſo found proven by the Jury, the ſaid John Porteous may not

merit ſome mitigation or commutation of the ſentence pronounced againſt him.

MAY IT THERFORE pleaſe your Majeſty to take the premiſes under your Royall conſideration, and to give ſuch relief as to your Majeſty in your Royal wiſdom may ſeem meet.

SALTOUN.

Hew Dalrymple of Drummore.
Cha. Frafer of Inveralachie.
Alexander Frafer, Maſter of Saltoun.
Geo. Skene of that Ilk.
Alexander Udny of Udny.
A. Burnett of Leyes.
Tho. Forbes of Echt.
Arch. Grant of Monymuſke.
Rot. Burnett of Sauchen.
Geo. Burnett of Kemnay.
Jo. Arbuthnott of Fordoun.
Phil. Foulerton of Philpſhal.
A. Frafer of Powis.
John Irvine of Drum.
J. Foulerton of Cowie.
Arthur Forbes of Craigievar.
Al. Gordon of Pitlurg.
Will. Forbes of Deſblair.

ACTS STATUTES AND OTHER PROCEEDINGS OF THE PROVOST BAILLIES AND COUNCIL OF THE BURGH OF EDINBURGH.

M.DXXIX—M.DXXXI.

LIBER STATUTORUM BURGI DE EDINBURGH DE MANDATO MAGISTRI ADE OTTIRBURNE PREPOSITI BALLIVORUM ET CONSULUM EJUSDEM OCTAVO DIE MENSIS OCTOBRIS ANNO DOMINI MILLESIMO QUINGENTESIMO VICESIMO NONO.*

Broustarris.—It is Statute and Ordanit be the Provest Ballies and Counsall That na brouster na dry tapstar in this burgh tak apone hand to sell ony derrar aill fra Monunday furth at nixt cummys na xvi d the galloune and at it be gud and sufficient aill of the price forsaid commonlie tilbe sauld till all the Kingis liges vnder the pane of viij s for the first falt the secund falt deling of thair aill and the thrid falt to bring thar caldrone or kettellis to the crose and ding thame throw with ane puncione and spane thame fra the operatione for yer and day.

* This Book of the Statutes of the Burgh of Edinburgh composes the second part of a Volume lately discovered. It contains many curious Acts relative to the regulation of weights and measures, to the sickness of pestilence, and other matters regarding the general police of the Burgh, beginning October 8, 1529, and ending July 7, 1531. Their general importance have made them to be thought worthy of a place in this Miscellany. The first part of the Volume, termed on the margin the "Nichtbourheid buik," is entituled, "*Liber Actorum et decretorum Decani Gilde burgi de Edinburgh super liniationes terrarum infra dictum burgum confect. in tempore Joannis Adamsoun decani Gilde dicti burgi In anno domini Millesimo quingentesimo vicesimo nono.*" It begins April 29, 1529, and ends June 29, 1557.

Baxtarris.—Item it is statute and ordanit be the prouest ballies and counsall that all baxtaris within this burgh baik thar braid gud and sufficient stuff weill bakin and dryit and at the ij ₫ laif wey xviij vncis and the brovne breid efferand tharto wnder the pane of ane wnlaw the first falt and fra thine furth deling of thar breid And that na Hukstar within this toune tap nor sell ony quhite breid in for buthis fra Monnnday furth vnder the pane of eschaeting of the breid and bannasing of thaim the toune and at ilk baxtar haif bot ane buth to sell his breid in allanerlie and his awin merk apone his breid.

Candilmakaris.—Item it is statute and ordanit be the prouest ballies and counsall that all maner of parsonis Candilmakaris within this burgh that thai mak thair candill that thai sell till our Souerane Lordis legis of gud and sufficient stuff baith weyk and tallone and sufficient werkmanschip and at thai sell the pund thairof commonlie for vj ₫ the rag weyk and v ₫ the lib the hardis weik and at thai haif thair ballandis and wechtis baith les and mar and be redy till sell the samyne in pundis and half pundis in houssis and vtouth gif thai pas apone the hie gait vnder the pane of viij ß for the first falt and the secund falt eschaet of thair stuff and the thrid falt spanyng of thar operatione and quhen thai pas thron the tovne that thai be honestlie tursit vnder the panis forsaid and at na candilmaker melt thair tallone on the foirgait vnder the said panis.

Stabillaris.—Item it is statute and ordanit be the prouest ballies and counsall that all maner of Stabillar within this burgh haif thair stabilis weill and sufficient furnest with hek and mangear with sufficient lokis for the durris for sure keiping of the horsis that stabillis with thame and sall sell thar best corne that wilbe mell till all our Souerane Lordis legis for vj ₫ the pek and the secundar for v ₫ the pek and at thai sell the stane of hay for iiij ₫ the stane under the pane of viij ß for the first falt the secund falt eschaet of the stuff and the thrid falt spanyng fra

thair operatione and that thai tak na stabill fee fra the personis that lugis with thame thai byand thar corn and hay fra the said stabillaris and at na maner of personis except stabillaris by nor sell ony aittis or hay to sell and regrait to the Kingis liegis vnder the pane of eschaeting of the stuff and bannasing of the toune.

Pultre and wyld foule.—Item It is statute and ordanit be the prouest ballies and counsall for the commonne weill of this burgh and all our Souerane Lordis liegis reparand tharto that all maner of personis that sellis pultrye duelland within this burgh or vtouth reparand tharto with syk stuff to sell in tyme cummyn that thai bring thar stuff forsaid pultre and wylde meit opinlie to sell at the merkat corse and nocht to be haldin in covert under cloikis or gounis nor yit in thar houses bot commonlie tilbe sauld till all thair Souerane Lordis liegis and euery day heirfor to be ane merkate day at the merkat corse and nane vther place and at thai begin thar merket betuix viij and ix houris befor none and sa continew quhill xij houris and at twa howris efternone and to continew quhill v houris at evin in winter and quhill vij houris in somer and the strangeris bringand syk stuff to the merkat and out duellaris till haif the merkat dalie siklyke and at na nychtbowr man or woman by fra the strangeris priualie or oppinlie to sell or regrait agane ony maner of wyld foull or tayme nor at nane pas out of the toune to by ony wyld foull or tayme to regrait agane be the space of vj milis vnder the pane of bannasing of the toune and eschaet of thar stuff that beis fund with thame and at nane of the saidis regratoris be sene in the merkat amangis byaris and sellaris of wylde or tayme foule vnder the saidis paynes.

Fische.—Item It is statute and ordanit be the prouest ballies and counsall that na maner of persone man nor woman regrait nor by ony fische to tap nor sell agane to the nychtbouris of the toune nor to our Souerane Lordis liegis quhill xij houris be struikin and fra ane hour

efter none quhill vj houris at evin vnder the pane of bannasing of the toune and at na syk personis pas out of the toune to the portis or vther placis to by ony fische to regrat agane vnder the said payne.

Regratouris.—Item that na maner of parsone man nor woman regratouris of fische eggis butter cheise frute or vther syk stuff hald ony maner of burdis or cramis to sell syklike stuff apone the hie gait nor vnder staris bot in thar awin house fra this tyme furth vnder the pane of bannasing of the tovne and at nane of the saidis regratouris be sene in the merkat amangis byaris or sellaris on to the tyme of the saidis houris of xij at none and quhill vj houris at evin be past wnder the pane of bannasing and at na regratour by ony butter or cheise bot on the merkat day and nocht quhill xij hours be strakin at none vnder the pane of bannasing.

The statute to haue wappinis redy in buthis.—Item because in tymes past thar has bene slauchteris and murthoraris committit within the tovne in defalt of the officiaris and nichtbouris that rysis nocht to resist and pvnise the samyne to the gret sclander and diffamatioune of the toune makand it to be fre to all syk mischeiffis.

Heirfor it is statute and ordanit that euery merchand and craftisman haiffand thair foir buthis that thai haif in thair said buthis ane ax or twa or thre efter as thai haue seruandis and to cum incontinent to the provest or ballies reddy to fortefy and manteine thar our men and justice and quha that has nocht the said wappinnis fra Monunday furth nixt to cum and is nocht reddy to cum to thair oure men incontinent as said is to pay to the commone werkis of the tovne xl s̄ for the first falt and for the secund falt gif he be ane man of substans to pay x l̄i to the commone werkis of the tovne and for the thrid falt tyne his fredome And gif he be ane man that has nocht substans and may nocht pay the said

wnlawis to tyne his fredome for yeir and day and forther induring the townis will.

That na broustaris nor regratouris be tholit.—Item It is statut and ordanit be the prouest ballies and counsall that na maner of broustaris nor regratouris be tholit within this tovne bot thai that ar kend honest and substancious personis fra Monunday furth nixt to cum bot thai that sall be admittit be the provest ballies and counsall vnder the pane of bannasing of the toune.

The Meill Market.—Item It is statute and ordanit be the prouest ballies and counsall that na mauer of personis man nor woman that bringis ony meill to this market within this tovne stryk vp the samyne quhill ix houris befor none and at na persone house the samyne within housis quhill iiij efter none be strykin ilk day vnder the pane of eschaet tharof and at na metteris of meill mak ony metting tharof within this toune bot at the awnaris of the said meill met the samyne thar self till all our Souerane Lordis liges vnder the pane of bannasing and at na personis man nor woman regrait nor by meill to sell the samyne agane in smallis vnder the said panis of bannasing.

Decimo Octobris nno V^c^ *xxix*^no.

Bikkyrringis betuix Barnis.—It is statut and ordainit be the prouest ballies and counsall Forsamekle as thar has bene gret bikkyrringis betuix barnis and followis in tymes past and diuerse thar throw hurt in perrell of thar lyffis and gif sik thingis be usit thar man diuerse barnis and innocentis be slane and diuisione ryse amangis nychtbouris tharthrow Heirfor We charge straitlie and commandis in our Souerane Lord the Kingis name the prouest and ballies of this burgh that na sic bykkyrrandis be usit in tymes to cum certifing that and ony persone be fund bykkyrrand that

thar faderis and masteris sall ansuer and be accusit for thar deidis and gif thai be vagabondis thai to be scurgit and bannist the toune.

Regraiteris.—It is statute and ordainit be the prouest ballies and counsall of this toune Forsamekle as it wes statut that na maner of persone man nor woman regraite nor by ony fysche to tap nor sell agane to the nychtbouris of this toune nor nane vthir our Souerane Lordis liegis quhill xij houris be strikin and fra ane hour efter none quhill vj houris at evin vnder the pane of bannasing Nochtwithstanding Margret Clapane has contempnandlie brokin the said statute and coft osteris this day to regrait agane in contrar the said statutis maid tharapone Quharfor the prouest ballies and counsall bannasis the saidis Margret Clapane this toune indurand thar willis and nocht to cum tharintill in the mein quhill vnder the pane of bannasing for all the dayes of hir lyff and till removf within xxiiij houris vnder the said pane.

Aganis bying of wyld foule.—The quhilk day It was statut and ordanit be the prouest ballies and counsall of this tovne that na maner of persone man nor woman duelland within this toune by fra ony strangearis priuatlie or oppinlie to sell or regrat agane ony maner of wyld foule or tayme vnder the pane of bannasing of the tovne and eschaite of thar stufe that beys fundin with thame nochtwithstanding William Cawder has contempnantlie brokin the said statutis and coft certane pluveris and vther wild meit incontrare the said statutis quharfor the saidis prouest and ballies banisis the said William this toune enduring thar willis and nocht to cum tharintill vnder the pane of bannasing for all the dayes of his lyff and till remouf within xxiiij houris.

Jonet Broune banist for euer.—Jonet Broune for hir demeretis is bannist this toune for all the dayes of hir lyf and neuer to cum tharintill wnder the pane of deid and to remouf incontinent vnder the said pane.

Relaxatione Agnes Turnour.—The quhilk day in presens of the prouest Robert Henrysone is becuming souirte for Agnis Turnour that scho sall obserf and keip the statuttis of the toune and at scho sall by na aittis to tap nor regrat agane till our Souerane Lordis liegis in tyme to cum efter the forme of the said statutis vnder the pane of xx li.

xv Octobris Anno Domini I^{m} V^{c} *xxix.*

Agnes Turnour Alison Home Janet Bell Male Persone and Cristan Reynaldsone bannist.—The quhilk day forsamekle as it wes statut and ordanit be the prouest ballies and counsall that na maner of personis man nor woman suld by aittis or hay to sell and regrait agane to the Kingis liegis bot allanerlye stabillaris vnder the payne of eschaet of the stuff and bannasing of the tovne as the statutis maid tharapone proportis quhilkis war opinly proclamit at the merket corse Neuertheles Agnes Turnour Alisone Home Jonet Bell Male Peirsone and Cristane Reynaldsoune has contempnandlie brokin the said statutis and coft corn and aittis in greit to regrait agane Quharfor the saidis provest ballies and counsall bannesis the saidis Agnes Turnour Alisone Home Jonet Bell Male Peirsone and Cristane Reynaldsone this tovne Indurand the provest ballies and counsallis will and nocht to cum in the tovne in the meyntyme vnder the payne of bannasing for euer quhill thai obtene licens and to devoyd within xxiiij houris.

Gelis Murray and Christiane Blacater spanit fra bying of aittis.—The quhilk day the provest ballies and counsall ordanis that Gelis Murray and Cristiane Blacater decist and ceisse fra all maner of bying or selling of aittis or halding of stabillis to regrait the samyne in tyme to cum bot

spanis thame fra the said occupatione for all the dayis of thar lyf vnder the pain of bannasyng.

Allane Blair convict.—The quhilk day Forsamekle as it was statute and ordainit that na personne suld cum furth of Sanct Androis nor na vther suspect placis to this tovne vnder the pain of deid Nochtwithstanding Alane Blair has contempnandly dissobeyit the samyne and cummyn to this toune furth of the said toune of Sanct Androis and has incurrit the said panis Quharfor the provest ballies and counsall has dispensit with his lyf and has bannist him this toune for all the dayis of his lyf and nocht to cum within the samyne in the meyntyme vnder the pain of deid.

xvij Octobris Anno xxix.

Anent the Pestelens.—It is statut and ordanit Forsamekill as the prouest ballies and counsall of this tovne ar suirlie advertiste that the pestelens is spred in diuerse tonis and pairtis beyound the Wattir quharthrow it is gret dangeir to resaif ony personis duelland in ony pairtis beyond the wattir of Fortht That tharfor We command and charge in our Souerane Lordis behalf the prouest ballies and counsall of this toune that na maner of parsone duelland beyond the said wattir bring ony merchandice or repair within this burgh nor that nane maner of parsone duelland in this toune resset ony sik personis or thar gudis vnder the pane of pvnisione of thar personis and bannysing of this tovne for euer Certifying all thame of Dunde Sanct Johnstoune Cowper and all vther the tovnis of the northt syde that we will nocht that thai cum to this nixt fair of Hellomess nor that thai bruk the fredome thar-of for this yeir excepand alwayis the fair of nolt and scheip.

Relaxatione Margret Clapane.—The quhilk day Forsamekill as Mar-

gret Clapane was banist this toune of befor for the breking of the statutis in the bying of fische to regrait agane and remanit furtht of the toune at the tounis wyll quharfor the prouest ballies and counsall relaxsis the said Margret and admittis her till cum till hir awand house within this toune and scho obleisis hir to obsarf and keip the statutis of the toune and nocht to faill tharintill wnder the pane of bannasing for euer.

Oblis Besse Peny.—The quhilk day Besse Penne oblissis hir neuer to by buttir nor cheise nor othir stuff to regrait agane in tyme to cum and to obserf and keip the statutis of the tovne wnder the pane of bannasing for euer.

xxi Octobris Anno domini I^{m} V^{c} *xxix.*

Relaxatione Alisone Home.—The quhilk day in presens of the prouest and ballies Thomas Schort is becuming souirte for Alisone Home his moder that scho sall keip the statutis of the toune and nocht to by aittis to sell agane wnder the pane of xx lib quharfor scho wes relaxt till the fredome of this toune efter scho wes bennest the samyne for breking of the said statutis.

Relaxatione Gilbert Skeillis wife.—The quhilk day in presens of the prouest Gilbert Skeill is becummyn souirte and cautione for his wif that scho sall obey and vnderly the statutis of the toune and nocht to intromet nor by aittis nor hay till sell and regrait agane to the Kingis lieges vnder the payne of xx lib Quharfor the said Gilbertis wif was relaxit agane to the fredom of the toune as scho was obefor or scho was bannist the samyn for the brekin of the saidis statutis.

*Curia vicecomitatus burgi de Edinburgh tenta coram balliuis ejusdem In pretorio dicti burgi xx*mo *Octobris Anno* I^{m} V^{c} *xxix*^{o}.

Assisa.

Johne Henrisone	George Bird	Williame Richmond
Robert Cuming	David Lausone	Roule Donaldsone
Henry Russaule	Robert Henrisone	George Crag
George Yettis	Henry Heriot	

Johnne Dougall indytit and accusit for the airt and pairt of the thiftuis steling and conceling fra Walter Scot furth of his maling in the Dene in harvist at last wes of xxij schavis of bere for the quhilk cause he was bannist this tovne induring the provest and ballies will and nocht to cum tharintill quhill he optene licence vnder the pane of bannesing for euer quit of the twa stowkis of aitis quhar thai war standand on the felde and for the thifte fra the said Waltir of ane stouk of peise and ane vther of aitis and for the thift fra Thome Home and his nichtbouris of ane boll of beir and for the thift of ane furlot of aitis quhilk was dicht in Riche Persone barne.

The quhilk day forsamekle as Cristane Reynaldsone was bannist the toune for bying and regratione of aittis and breking of the statutis of the toune And now the provest and ballies movit of pite haue relaxit the said Cristiane to the fredome of the toune and William Elphinstone is becummyn souirte and cautione that scho sall obserf and keip the statutis and nocht to fall in tyme to cum vnder the pane of xx^{ti} lib.

Mettis and messouris to sell aittis or meill.—It is statute and ordanit be the provest ballies and counsall that na maner of personis stabillaris

and sellaris of meill man or woman within this burgh tap or sell aittis or meill bot with ane sufficient lele mesour pek and ferlot and at the samyn be brynt with the commoun merkyn irne of the toune vnder the payne of breking of the lvme and ane vnlaw of viij ß for the first falt and the secund falt spanyng and at thai cum to the tolbuth with thar pekkis and furlottis to merk the samyn.

The market for aittis and horse corn.—It is statute and ordanit be the provest ballies and counsall that in tyme to cum thar be ane dalie market of aittis haldin apone the hill vnder the wall fornent Alexander Andersonis land And tharfor chargis that na stabillar nor vther tak apone hand till by aittis quhill thai be present and sett dovne in the said market vnder the pain of ane vnlaw to be tane of thaim that dois in the contrar but fauouris And all personis that bringis ony aittis to this toune to sell that thai present and sell the samyn in the said merket and nane vther place within this toune.

xxiij° die mensis Octobris Anno I^m V^c *xxix°.*

Relaxatione Male Peirsone.—The quhilk day in presens of the prouest baillie Mongo Tennent and counsale James Cadder seruitour till our Souerane Lord is becumming souirte for Male Peirsone that scho sall obserue and kep the statutis in tyme to cum that scho sall nocht by aittis or hay till regrait the samyn till our Souerane Lordis legis efter the forme of the statutis maid tharapone vnder the pane of x li quharfor the said Provest ballie and counsall relaxis hir fra the said bannessing and admittis hir till hir preuilege and to cum till hir avne house as abefore.

Seiknes of Pestilens.—The quhilk day Forsamekle as this contagius seiknes of pestilens is spred in sindry pairtis beyond the watter and

diuerse personis men women and boys reparis and ar ressett within this toune to the greit apper and perell and scaith Quharfor We charge straitlie and commandis in our souerane Lord the Kingis naim provest and ballies of this burghe that na maner of person man nor woman induellar of this toune tak apone hand to house harbery or ressett ony maner of personis within thar houssis quhat pairt that euer thai cum fra bot at thai cum and revele the samyn to the officiaris of the tovne vnder the pain of bannasing of the samyn.

Spaneing William Bartovne.—The quhilk day fforsamekle as it wes clerlie wnderstand that William Bartone had brokin the statutis of the toune byand wyld foulis till regrait agane to the Kingis liegis Quharfor the Prouest ballies and counsall dischargis the said William and spanis him his wyf and seruandis fra all maner of selling of wyld foulis or tayme cvnyngis or vther syk lyk stuff in tyme to cum and at he vse na syk selling vnder the pane of bannasing for euer.

Command the officiaris till bring the pekis to burne.—The quhilk day the prouest and ballies ordanis the officiaris till pas ilk ane of thame throw thar awin quarter and charge all parsonis that usis mettis pek forlot that thai bring thar mettis to the tolbutht the morne tilbe brynt wnder the pane of breking of thar messouris and ane wnlaw tilbe tane of thame that falis.

James Foster	Alisone Yong	Anne Yeid	Jonot Smyth
Jane Reid	Wm Andersone	Male Maluf	Margret Cwnyghame
Besse Kar	Dem Coieeren	Dem Wilk	

Spaning meill sellaris.—The prouest ballies and counsall commandis and chargis that nane of thir parsonis abone writtin by ony maner of meill in tyme to cum in the markat nothir efter none no forrow none

nor na tyme of the day nor nycht to regrait agane vnder the pane of bannasing of the toune for yeir and day but fawouris.

Margeret Scheid als Jamiesone
Johne Coppair alias Morsone
} ar banist this tovne for thar demeriteis and nocht to cum heirintill vnder the pane of burning of thar cheikis and bannasing thame for euer.

xiij Nouembris Anno domini I^{m} V^{c} *xxix.*

Statute anent the regratouris of fische.—The quhilk day the Provest ballies and Counsall statutis and ordanis that na maner of regratour of fysche man nor woman by ony fische to sell agane apone Wednisday quhill efter none And dischargis thame of ony bying of fysche apone Fryday nothir forow none nor efter nor yit apone Satterday quhill efter none under the pane of bannasing And at nane of the said regratouris sell thar hering nor fische neir the outlandis men that bringis the fische to the toune bot on the tothir syde of the gait fornent And at the said regratouris be nocht fund in the merket amangis byaris and sellaris vnder the panis forsaid.

David Cristeson banist.—Dauid Cristeson is banist this tovne because he is ane young stark fallow and beggis and will nocht wirk for his leving.

Richman that singis with the las banist.—The quhilk day Richman that singis with the las and beggis throu the toune is banist this toune because he is ane sterk young fallow and will nocht werk under the pane of burning of his cheik.

Jonet Heriot.—Jonet Heriot is ordanit be the prouest ballies and

counsall till decis and ces fra all baging in tyme to cum bot that scho werk for hir leving vnder the pane of banasing.

xxiij Novembris Anno domini I^{m} V^{c} *xxix°.*

Anne Broune.—The quhilk day the Provest ballies and counsall dischargis Anne Broune that scho cum nocht in the meill market nor met meill tharintill in tyme to cum vnder the payne of bannasing of the toune.

Andro Gibson banist.—The quhilk day the Provest ballies and Counsall has bannist Andro Gibsone this tovne for euer for his bying of the Kingis money apone ane hyear pryse na it is strykin for and selling and regrating agane of the samyn rasing the derth of money.

Pate Lorne and his wif dischargit.—The quhilk day Pate Lorne and his wif is dischargit be the provest ballies and counsall fra all maner of bying or selling of buttir fresche or salt in tyme to cum vnder the payne of bannasing of the tovne.

Anent bringing aill from Leith.—It is statute and ordanit be the prouest ballies and counsall that na maner of persone induellar within this burgh man nor woman bring ony aill furth of Leith till tap sell or drink in thar houssis fra Monunday furth nixt tocum quhill twa moncthis be gane tharefter vnder the pain of eschaet of the aill that cummys in the contrar but fauouris.

Luk Jameson banist.—The quhilk day Forsamekill as Luk Jamesone has brokin the statutis of the tovne in bying of herring in the merkat to sell and regrait agane ffor the quhilk cause he is banist this toune indur-ing the tounis will.

David Scot banist for yeir and day.—The quhilk day Dauid Scot is banist this tovne for his demeriteis for yeir and day and breking of the statutis and nocht to cum tharintill quhill he optent lycense.

William Lyndesay souirte for Issobell Merarche.—The quhilk day fforsamekill as it is vnderstand be the provest that Issobell Marrohe has brokin the statutis of the toune in bying of aittis and selling of thame agane in contrar the said statutis for the quhilk scho hes incurit the panis of bannasing of the tovne nochtwithstanding beeause it wes the first falt the prouest has dispensit with hir at this tyme and has tane William Lyndesay souirte that scho sall keip the statutis of the toune in tyme to cum vnder the pane of x ℔ but fauoris.

Statuta pro Infirmitate.—The quhilk day fforsamekill as it wes vnderstand that the seiknes of pestilens is richt vehement and perseweris still in Sanctandrois and the spredin tharof was maist be conuersatione of nichtbouris trastand it had bene the het seiknes and in defalt that the personis that war infekkit wald nocht releif the samyn Quharfor We charge stratlie and commandis in our Souerane Lord the Kingis name Provest ballies of this burgh that all maner of persones within this burgh that has ony persone man woman or barne seik within thar houssis that thai hald thame be tharself and reweill the samyne to the prouest and officiaris of the tovne vnder the pane of bannasing of thame the toune for euer.

David Scot banist for all the dayes of his lyf.—The quhilk day fforsamekill as Dauid Scot beunest twyse off befor for breking of the statutis of the toune and contemplie disobait the samyn and come within the toune without licens for the quhilk cause he wes eurgit and he is new banist for all the dayes of his lyf and nocht to cum tharin in the meyntyme wnder the pane of deid.

Robert Andersone curgit and banist for euer.—The quhilk day Forsamekill as Robert Andersone grantit with his awin confessione that he staw x s̄ fra Andro Lausone fleschour for the quhilk cause he was curgit and banist this toune for all the dayes of his lyf and nocht to cum tharintill in the meynetyme under the pane of deid.

That nane pas beyond the water of Forth without licence.—The quhilk day the Prouest ballies and counsall statutis and ordanis in our Souerane lord the Kingis name and tharis that na maner of persone induellar of this burgh pas beyond the watter of Forthe without speciall licence of the prouest vnder the pane of bannasing for yeir and day And als that na maner of persone Induellar within this burgh nor utheris by ony maner of clath wou nor lyning nor yarne wther siklik stuk beyond the watter of Forthe to bring to this tovne wnder the said pane of bannasing And inlykwyse that na maner of persone man nor woman duelland within this burgh resset house nor harbery onymaner of persone duelland beyond the watter of Forthe without leif of the Prouest of the toune vnder the said pane of bannasing.

xv Decembris.

Statuta anent the Huxtouris.—The quhilk day the Prouest ballies and counsall statutis and ordanis that na maner of wxtar man nor woman within this burgh tap nor sell buttir nor sches nor eggis in thar housis nor vthout fra this tyme furth bot thai that cummis to the prouest and gettis leif fra him tharto and to find souerte that thai sall keip the statutis of the toune in tyme to cum wnder the pane of bannasing.

Baxtaris.—The quhilk day the Provest ballies and counsall statutis and ordanis that the lang fage of quheat breid sauld be unfriemen on the merket dais be guid and sufficient stuf weill bakin and dryit and at thai

keip the wecht and pais of the ij đ laif and iiij penny laif of quheit breid of the wecht of Leith And als ordanis that the fowattis of Mussilburgh and vtheris sauld be unfriemen apone the merket dayis be weill bakin and dryit gude and sufficient stuf and at thai keip the pais of the ij đ laif and iiii đ laif of quheit breid of the wecht of Leith under the pane of eschaet of the samyne And at na hukstar sell nor tap ony of the saidis fagis nor fowattis within thar housis in tyme to cum under the said payne And als ordanis that quhat persone that baikis ony aitt laiffis that thai be gude stuff and fresche and at the penny laif tharof wey the penny laif wecht and thrid part wecht of quheit breid vnder the said pane And at the dekin and masteris of the baxtaris tak Thome Arnot officiar or ony uthir officiar thai pleise with thaim dalie quhane thai lyk to put this act till executione.

xxij° Decembris Anno V^c^ *xxix°.*

Plegis of the wxtaris.—The quhilk day in presens of the Prouest Johne M^c^Gichane is becuming souertie his land and guidis that he sall obserue and keip the statut maid apone wxtaris anent the bying and selling of buttir cheise and eggis and all vther sicklik stuf efter the forme of the said statut and nocht to falze tharintill vnder the pane of xx ti.

The samyn day Mastir Thomas Marjoribank is becuming inlikwise souertie for Besse Yallowleys that scho sall obserue and keip the said statut in all thingis efter the forme of the samyn vnder the pane of xx ti.

xv Decembris Anno Domini I^m^ V^c^ *xxix°.*

The desyre of Thome Mercleys.—The quhilk day the Prouest ballies and counsall has considerit the desyre of Thome Mureleis till cum in to his awin house of the Mure with his self wyf and barnis and guddis

unclengeit The prouest ballies and counsall has consentit tharto he beand oblist apone his lyf heretage and gudis that na scaith nor infectione sall cum within his house nor throw the unclengeing of his gudis in tyme to cum and to remane be himself xv dayis efter his hame cummyn.

Statute of the aill.—The quhilk day It is statute and ordanit Forsamekill as the provest ballies and counsall of this toune ar aduertist that the statutis of the aill is nocht kepit bot the samyn sauld for xx đ and ij ŝ the gallone quharfor We command and charge in our Souerane Lord the Kingis name prouest and ballies of this burgh that na maner of persone tap nor sell ony derrar aill fra this hour furth na for xvj đ the gallone according to the first statute maid therapone sertifying thaim that the prouest will pas with the ballies in propir persone and quhar he findis ony breking of the said statute thai salbe spanit and put fra ony brewing or tapping of aill quhill the nixt terme of Michaelmes and banist the toune gif thai failye.

xj die mensis Februarii Anno Domini I^{m} V^{c} *xxix*^{o}.

Statuta pro Infirmitate.—We do yow to wit Forsamekle as the nycht-bouris of Sanct Androis ar reparand to thar toune and yit pairt of the houssis infekit in the samyn quharthrow mair dangeir apperis now in the spreing in the yeir than in the sesion of winter Quharfor We charge yow straitlie and commandis in our Souerane Lord the Kingis name provest and ballies of this burgh that na maner of persone induellar within this burgh house nor harbery ony persone of Sanct Andros within thar housis under the pane of deid And als chargis that na maner of persone man nor woman within this burgh repar to Sanct Andros nor intromet with ony persone of Sanct Andross vnder the said pane And als that nan of Sanct Andros cum to this vnder the said pane.

xv die mensis Februarii Anno Domini I^{m} V^{c} *xxix*^{o}

Banist induring the tounis will.—We do yow to wit Forsamekill as Johne Geichane and Done Patersone has brokin the statutis of the toune in the bying of butter in the gret in the merkat to regrait agane till our Souerane Lordis legis before the hour lymit tharto Quharfor the prouest ballies and counsall has bannist the said Johne and Done this toune induring thar willis and to dewoid within xxiiij houris.

Katryne Wrycht banist induring the tounis will.—The quhilk day Forsamekill as Katryne Wrycht hes resset now laitlie certane stollin taffetiis stollin fra Edwart Kyncaid be Thomas Broune now justyfijt for that sam and vther stoll geir committit be him Quharfor the prouest ballies and counsall banisis the said Katreyne this toune and the fredome tharof induring thar willis.

xvj Februarii Anno Domini I^{m} V^{c} *xxix*^{o}

Banist for euer.—Margaret Borthik is bannist this for commone pikere and vther hir demeritis for all the dayes of hir lyf and nocht to cum tharintill in the meyne quhill vnder the pane of deid.

> Thir ar the namis of the broustaris in Edwart Kyncaidis quarter the ballie of the south est part of the toune quhilk has oblist thame till keip the statutis and sell na darrar aill na the statut ordanis vnder the pane of bannasing of the tovne In the first

Kate Hutoune Male Kerse Kate Gibsone Issobell Lang Margret Drummond Deme Seytoune Male Karse Marione Spense Mege Thome

Besse Derumpill Dem Siluer vnder the pane of x lib Robert Symsone for his madyn vnder the pane of x lib but fauouris.

Curia vicecomitatus burgi de Edinburgh tenta coram preposito et balliuis decimo octauo die mensis Februarii Anno domini I^{m} V^{c} *xxix°.*

Assisa.

James Hill	Johne Tennet	Johne Scot
Johne Hay	Henry Gow	Arche Steuart.
Johne Cranstovne	Johne Smyth	Henry Tollous
William Wilkye	Johne Young	
Thomas Schor	Johne Crowane	

Margret Cok banist for euer.—Margret Cok convict be ane assise for the breking of the Kingis proclamatione and statutis of the toune maid apone the contaguus seiknes of pestilence in the cuming furth of Sanct Androiss with geir quhilk wes infekit with the said seiknes quhar scho wes continulie this quarter of this yeir bygane And als for the thiftuis resset of ane kirtill quhilk was stolling furth of Sanders Spensis house ffor the quhilk caussis scho wes adiugit to be birnt of bayth the chekis and hir claiis to be birnt and her self bannist the toune for all the dayes of hir lyf and nocht to cum tharintill in the meynquhill vnder the pane of deid.

xx Februarii Anno Domini I^{m} V^{c} *xxix.*

Statuta pro infirmitate.—We do yow to wit Forsamekill that ther is now ane fair to be hald on that vther syd of the watter that is to say in Sanct Manounis quhar that repair of infeckit personis is habill to repair with infeckit geir Quharfor We command and charge in our Souerane Lord

the Kingis name prouest and ballies of this burgh that na maner of persone inhabytant of this toune or within Leith or vther placis adiacent repair to the said fair or by ony geir ther to be brocht to this toune to be sauld vnder the pane of bannasing this toune for yeir and day and escheit of the geir thai bring to this toune to be sauld and forther punising of ther personis.

xxvj Februarii Anno Domini I^{m} V^{c} *xxix.*

Statuta of the Aill.—It is statute and ordanit be the prouest ballies and counsall that all maner of brouster dry tapstar and vtheris duelland within this toune quhilk ar delaittit for the breking of the statutis of the samyn that in tyme to cum thai and ilk ane of them obserue and keip the said statutis of the toune maid tharapone vnder the pane of xl s̄ fra this hour furth and find souirte therapone and thai that can nocht fynd the said souerte that thai be actit in the common bukis to obserue and keip the said statutis vnder the pane of bannasing.

Jok Thomsone and Johne Broune banist — vagaboundis haffand na master nor craft til wait apone ar banist this toune for thar demeritis and nocht to cum tharintill but licence vnder the pane of bannesing for all the dais of thar liffis.

Ultimo Februarii Anno Domini I^{m} V^{c} *xxix^{o}.*

Statut the meill merkat.—We do yow to wit Forsamekill as it is vnderstand that wesland cadgearis and wtland men byis the meill in gret and turses the samyn out of this toune throw the quhilk the derth of vittalis is abill to ryse Quharfor We charge straitlie and commandis that na syk

vtlandis men nor cadgearis by ony meill in the market to turse out of the toune in gret vnder the pane of escheit of the samyn quhareuer it can be apprehendit.

Curia burgi de Edinburgh tenta coram preposito et balliuis ejusdem in pretorio dicti burgi primo die mensis Aprilis Anno Domini I^{m} V^{c} *xxx*^{mo}

Pate Layng	Johne Bayne	Henry Scot
Johne Cvnynghame	Arche Rowll	Edwart Thomsone
Alexander Forster	Johne Hoip	George Cuthbertsone
Thom Johnestoune	Thom Schort	William Tod
Archibald Donaldsone	James Stevinsone	William Lyndesay

Persons convict for breking of the Statutis.—The quhilk day all the personis vnder writtin ar convict be ane assiss for the breking of the statutis of the toune in the breuing and tapping of xx đ aile and selling of the samyn agane contrar the statutis of the toune maid therapone Quharfor a pairt of thame quhilk fand souerte of befor to obserue and keip the said statutis vnder the pane of xl s and is conviet of the new hes fund souerte to obserue and keip the said statutis vnder the pane of v li and ane vther pairt quhilk wes convict in lykwyse till obserue and keip the said statutis and coutht find na souerte that thai sall obserue and keip the said statutis vnder the pane of spaning fra the opperatione and has fe seruitrice that browis apone thar awin awentur and gyfis ane certane of ilk broust to thar hussy that thai obserue and keip the statutis vnder the pane of bannasing of the toune.

Mr Johne Schevin is becumin souerte for Deme Leithame and Deuie Barbouris wyf till obserue the statutis of the toune quhill Michelmes

nixt to cum vnder the pane of payment for ilk ane of the said personis of v ℔ &c &c.

Johne Andersone kepar of the tolbuith has oblist him till obserue and keip the statutis of the toune in tyme cuming vnder the pane of daling of ane barell of ale till gif utheris exempill till brek the said statutis in tyme cuming.

Secundo Aprilis Anno Domini I^{m} V^{c} *xxx zeris.*

Assise.

Johne Mvdy	Walter Hay	Archibald Woddaill
James Johnstone	William Wilkie	Johne Gray
Archibald Wilsone	Johne Tennent	Pate Johne
Andro Symsone	Thom Anguss	Pat Wrre
Johne Symmeir	Pat Scot	Andro Mitchell
David Scot	Wille Johnston	George Broune

Souerteis for brousteris.—Robert Glene is becumin souirte for his brouster that scho sall keip the statutis of the toune in tyme to cum quhill Michelmes nixt to cum under the pane of v ℔ &c &c &c.

xxvi die mensis Aprilis Anno Domini I^{m} V^{c} *xxx.*

The statute anent the Leper folk.—It is statut and ordanit be the prouest ballies and counsall of this burgh that na maner of lipper persone man nor woman fra this tyme furth cum amangis uther cleine personis nor be nocht fund in the kirk fische merket nor flesche merket nor na vther merket within this burgh under the pane of burnyng of ther cheik and bannasing off the toune.

The statute anent the Eggis.—It is statut and ordanit be the prouest ballies and counsall that na maner of hukstar tap nor sell ony eggis fra this tyme furth for the space of ane moneth to cum vnder the pane of bannasing of the toune.

Aganis Regratouris and Hukstaris.—It is statute and ordanit be the prouest ballies and counsall that forsamekill as this greit derth rasit apone our Souerane Lordis legis of all kynd of meit ordanit for sustentatione of man throw inordinat nomer of regratouris and hukstaris That therfor na regratour or hukstar of wyld foulis tame foulis buttir hegis cheise aittis or hey or ony vther stuff be tholit to be within this toune fra Furisday nixt to cum without thai get speciall licence and be admittit be the prouest vnder the pane of bannasing of the toune quhill Michellmes nixt to cum.

Anent Seruandis.—Item that because thar is na seruand woman or nurys that gettis in ane gud manis house throw hir seruice v or vj merkis bot scho will tak ane house of hir awin and be ane broustar or hukstar quharthro the nychtbouris of the toune ar hevelie hurt and the meit and drink rasit darer throw the bying of the samyn at the secund or thrid hand that tharfor na seruand woman pas fra hir seruice and tak ane house without scho be mariit or pas to the bordall except scho haif licence of the prouest for gud rationabill causis vnder the pane of bannasing and that na man set sik lik personis howsis vnder the pane of xl ś and to be apliet to the cassa.

Brousteris.—Item that na broster be in this toune tak in hyrgang ony brewing lums bot that scho haif thame of hir awin fre vnder the pane of bannasing.

Ultimo die mensis Aprilis Anno I^{m} V^{c} xxx^{o}

Jonet Andersoun.—The quhilk day the prouest and ballies decernis and ordanis Jonet Andersone the spouse of Bell fra this tyme furth that scho say na displesour nor injuriouse language till Thomas Wauhope nor his spouse nother oppinlie nor priuatlie vnder the pane of bannesing of the toune als sone as the samyn beis notorlie knawin.

Quinto die mensis Maij Anno Domini I^{m} V^{c} xxx^{o}

Williame Kar.—William Kar oblissis him that he sall nocht be sene into the fische merkat nother byand nor selland fische vnder the pane of cutting of his lug and bannasing of the toune bot gif he haif ane horse of his aune till bring fische to the merket till sell vniuersale as vther strangearis dois till our Souerane Lordis legis.

Memorandum That Margrat Thomsone the spouse of Robert Hog is delatit for ane schitt of grene weluos.

xij Maii Anno Domini I^{m} V^{c} xxx^{o}

Brokkaris of woll hyd and skynnis.—The quhilk day the provest ballies and counsall statutis and ordanis and als commandis and chargis that na maner of brokkaris nor forstallaris of woll hydis nor skynis man nor woman be fund nor sene on the merket day in the place quhar ony woll hyd or skynis ar to sell nother spekand standand nor commonand with the sellaris tharof in na tyme to cum vnder the pain of

William Bertoune fined.—The quhilk day fforsamekill as it is cleirlie

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kend and vndirstandin be the provest ballies and counsall that William Bertone had oft and diuerse tymes brokin the statutis of the toune in the bying and regrating of wild foulis and tayme for the quhilk he wes spanit the occupation therof for all the dais of his lyf under the pain of bannasing of the toune as the actis maid therapone proportis Nochtwithstanding he hes sensyne coft syklyk stuf to regrait quhilk war fund in his house be the provest and officiaris and als the said William had contempnandlie drawyne his knyf till ane Craik at the market corse for his slauchter because he warnit the provest that the said William had coft wyld foulis in the merket With the quhilk faltis the provest ballies and counsall beand riplie auisit decernit and ordanit the said Williame till content and pay for the saidis faltis and crimes the sovme of v lib to be applyit to the kirk werk or commoun werkis of the toune.

xiiij Maii Anno Domini I^{m} V^{c} *xxx*°.

Adam Robertsone is banist this toune for the stelling of ane pot.

xxv Maij Anno Domini I^{m} V^{c} *xxx*°.

Statuta pro Infirmitate.—Forsamekle as thar is sum pairt of the infectione of pestilens rissin within this toune quhilk be the grace of God and gud gouernans may be weill stanchit That tharfor We command and charge in our Souerane Lordis name provest and ballies of this burgh that all maner of personis within the samyn that ony seiknes happinis in thar houssis that thai revele the samyn till thar nerest nychtbour incontinent and command thame till schaw the samyn till the officeris of the toune and at thai hald thame self seuerall fra all vther parsonis and tholl nane cum to thaim vnder the pane gif thai be pure folkis of byrning of thar cheikis and bannising of the toune for all the

dayes of ther lyf and neuer to cum therintill vnder the pane of deid And gif thai be folkis of substans vnder the pane of eschaet of all thar gudis to the commoun werkis of the toune and bannasing of thame selffis for all the dayes of thar lyffis as said is.

Item that na maner of parsonis man nor woman tak ony clais in wedd fra vtheris or by ony auld claise wou or lynnyn vnder the pane of burning of thar chekis and bannasing of the toune for all the dayes of thar lyffis.

Item that na maner of personis ressett ony personis cummand furth of Sanct Andros or ony insicht or gudis clething claith wou nor lynnyn vnder the pane of deid and at na parsonis of this toune repair thar under the said pane.

Item that na maner of personis that has ony swyne within this toune that thai keip thame in band within thar housis fra this tyme furth With certificatione to thame and ony of ther swyne be fund on the hie gait or in vinellis out of houssis that it salbe lefull till Andro Fentoune officiar of the toune till eschaet the samyn till his awin use.

Item that forsamekle as thar is gret fylth within this toune baith on the hie gait and in closis and als the guttaris of the toune ar full of filith Quharthrow infectioune may spreid and ryse That tharfor euery man and woman dicht and mak clene befor ther durris and closis and clenge away the filith tharfra vnder the pane of punising of thar personis and gudis at the prouest will.

Anent the setting of housis.—It is statute and ordanit be the provest ballies and counsall that na maner of personis man nor woman that has ony land or houssis till set within this toune that thai sett the samyn till sufficient tenentis that ar honest men and laborius personis abill to wyne thar liffing and nocht to sett thar houssis till trumpouris or vagabundis vnder the pane of xl ℈ to be tane fra thaim that dois in the contrar but fauouris to be applyit to the commoune werkis of the toune.

Statuta pro Infirmitate.—It is statute and ordanit that all maner of personis within this tovne man nor woman that has bene in Gladois house the smyth or ony vther housses that ar now suspect of this contagius seiknes or that hes intromettit with thame ony maner of way other befor or seynsyne That thai cum and reveile the samyn incontinent to the officiaris of the toune vnder the pane of deid.

Margaret Smyth.—In presens of the ballies in jugment Margairet Smyth of hir avne fre will oblist hir that fra this tyme furth scho sall nocht use na injurious wordis blasfeme nor schame Dene Alexander Creichtane vicar of Sanct Cuthbartis Kirk nothir in word nor deid vnder the pament of x li tilbe gevin till Sanct Gelis werk.

Anent the seruandis that weschis clais.—We do you to wit Forsamekill that thar is diuers seruandis that hes thar masteris and hussis claithis to the wattir and be the gait takis this womanis coller and that womanis curche and wescheis thame amangis thar maisteris quharthrou It is vnpossable to keip the toune clene gif sik thingis be usit That therfor na seruandis wemen tak vther claithis than thar masteris and hussis and thar houshaldis claithis to wesche vnder the pane of burning of ther cheik and bannasing of the toune and that thar master or hussy pas and convoy ther seruandis or send ane auctentik persone to convoy thame out of the toune for escheuing of sic dangeir vnder the pane of bannasing of the toune for yeir and day.

Issobell Forsyth byrnt and bannist for euer.—We do you to wit that Forsamekill as it was statute and ordanit that all maner of personis quhilk had bene in suspect houssis or intromettit with ony personis suspect and als all maner of personis man nor woman that happinit to be sek suld inlikwise reuele the samyn to the officiaris of the toune Neuertheless Issobell Forsyth that hes standis has intromettit with infekkit

folk and being in ther houssis and nocht reuelt the samyn and als is now infekit sek and wald nocht reuele the samyn quharfor scho salbe brint on the cheik and bannist this toune for all the dayis of hir lyf and to remane on the mure quhill scho be haill vnder the pane of deid.

Quarto Junii Anno xxx°.

Issobell Cattall banist for evir.—The quhilk day Forsamekle as Issobell Cattall the spouse of William Tod has brokin the statutis of the toune haldand hir dochtir seik within hir house thir iij dayes bygane and wald nocht reweile the samyn to the officiaris of the toune quhill now scho is deid in this contagius seknes Quharfor It is ordanit be the prouest and ballies that hir self be brynt and scho and all hir barnis bannist this toune for all the dayes of thar lyffis vnder the pane of deid And at thai remane still on the muire quhill thai be clengit and nocht to scatter in the cuntre vnder the pane of deid.

xviij° Junii.

Helen Adamsone banist for euer.—Helene Adamsone for hir demeritis yit as abefor scho is bannist this toune and nocht till cum tharintill in the meyntyme vnder the pane of deid and till remov incontinent.

xxv Junii.

George Mutrich and others to be brynt on the cheik and bannist.—The quhilk day Forsamekle as George Mutrich and Male Mudy his spouse Marione Suddirland and Alisone Bird has brokin the statutis of the toune havand a barne seik in thar house thir iij dais bigane in this contagius seiknes and wald nocht reuele the samyn to the officiaris quhill it was deid Quharfor the ballies and counsall ordanis that thai be all brynt

on the cheik And because Marione Suddirland brocht the said seiknes in the house and wald nocht tell the laif scho to be banist all the dais of hir lyf vnder the pane of deid and the laif bannist induring the tounis will.

Primo Julii Anno Domini &c. xxx°.

Patrick Gowanlok bannyst.—The quhilk day Forsamekle as it wes cleirlie vnderstandin that Patrik Gowanlok fleschour duelland in the Abbot of Melrosis lugying within this toune has had ane woman infekkit with the pestilens thir x dais in his house and revelit nocht the samyn to the officiaris of the toune as was ordanit be the statutis of befor maid therapone and als had ressauit strangearis in his lugying he being inclusit obefor and suspicious Tharfor It is diuisit and ordanit be the prouest ballies and counsall that the said Patrik Gowanlok sall tynt all fredome and priuilege of this toune and he and all his successione bannist this toune for euer vnder the pane of dede And at the half of his moveable gudis be applyit to the commoun workis of this toune for his defalt And als that his seruand woman callit Jonet Cowane quhilk is infekkit for hir conceling the said seiknes and passand in pilgrimage scho haiffand the pestilens apone hir that scho salbe brynt on baith the cheikis and bannist this toune for euer vnder the pane of deid And quha that lykis till see justice execute in this mater that thai cum to the Grayfrier port incontinent quhar thai sall se the samyn put till executioun.

Secundo Augusti Anno Domini I^{m} V^{c} *xxx*°.

Maister Adam Otterburne Provest
Eduard Kincaid, Symon Prestone } Ballies
Maister James Lausone
Nicholl Carncorse Dene of Gild
Robert Henrison Thesaurer
William Sym
Johne Purvess
William Elphinstoun
James Johnstone
Thom Mitchelsone
William Raa
Thom Mireleyis
William Smeithberd
George Foulis
Johnne Berclay
Johne Wauche

Dauid Duly to be hangit.—The quhilk day Forsamekle as it wes perfytlie vnderstand and kend that Dauid Duly tailyour has haldin his wif seyk in the contagius seiknes of pestilens ij dayis in his house and wald nocht revele the samyn to the officiaris of the toune quhill scho wes deid in the said seiknes And in the meyn tyme the said Dauid past to Sanct Gelis kirk quhilk was Sonday and thair said mess amangis the cleyne pepill his wif beand *in extremis* in the said seiknes doand at was in him till haif infekkit all the toune For the quhilk causis he was adiugit to be hangit on ane gebat befor his awin durr and that wes gevin for dome.

Wille Myllar to be brynt on the cheik.—The quhilk day Forsamekle as it was cleirly vnderstandin that Wille Myllar tailyour has brokin the statutis of the toune puttand a woman furth of his house beand seik in the contagius seiknes of pestilens at his awin hand nocht schawand the samyn to the officiaris of the toune For the quhilk cause he was ordanit to be brynt on the cheik and bannist this toune indurand the provest ballies and counsallis willis.

Duly banist and nocht hangit becaus the raip broke.—The quhilk day fforsamekle as Dauid Duly was decernit this day befor none for his demeritis to be hangit on ane gebbat befor his dure quhar he duellis Nochtwithstanding because at the will of God he hes eschapit and the raip brokin and fallin of the gibbat and is ane pure man with small barnis and for pete of him the prouest ballies and counsall bannasis the said Dauid this toune for all the dais of his lyf and nocht to cum tharintill in the meyntyme vnder the pain of deid.

Wille Myllar bannist.—The quhilk day Forsamekle as Wille Myllar was decernit this day befor none to be brynt and bannist this toune for his demeritis And because it is nocht vndirstandin quhether he be foule or clein man thro the quhilk he may be handillit and executione of byrnyn maid apone him Tharfor the Prouest ballies and counsall dispensis with the byrnyn of the said William unto the tyme that he be clengit Nochtwithstanding the Provest ballies and counsall bannasit him this toune indurand thar willis And nocht to cum tharintill quhill he optene licens.

3° *Augusti.—Per prepositum balliuos et consules prescriptos.*

We do yow to wit Forsamekle as thar is mony and sindry nichtbouris of this toune men wyffis and barnis that ar past to landwart till eschew the danger of the seiknes of pestilens And now we ar informit and als greit murmur rissin that the said seiknes brekis and spreddis vtouth the toune in diuerse placis quharthrow greit apperand danger may cum be the saidis personis that ar fled in thar incummyn agane to this toune Quharfor We charge straitlie and commandis in our Souerane Lord the Kingis name provest ballies and counsall of this burgh that nane of the saidis persones that ar past out of the toune in syk kynd return nor cum within the samyn agane vnto the tyme thai byd at the port and aduerteis

the offeiaris of thar ineummyn vnder the pane of thame that ar folkis of substanee of xx^{li} pundis to be tane of thame and applyit to the pure folkis and eommoun werkis of the tonne And gif thai be pure and may noeht pay the said vnlaw to be bannisit indurand the townis will.

Anent the maner of clengying of houssis that was nocht put to the mure 3^{o} Augusti Anno xxx°.

Statuta anent the clengyng.—The qnhilk day the pronest ballies and eounsall hes deuisit statut and ordanit Forsamekle as thar is diuers personis within this toune quhilkis has had infectioun within thar housis and thar selffis vnremouit of the tonne to the mure bot clengit and deuidit thameself amangis vther housis quharthrow gude prouisioun suld be maid for the clengyng of thar geir reparyng and vsing of thar housis and buthis Quharfor it is diuisit and ordanit That all syk personis that will tak on thame and thar lyffis that thar geir is eleyne That thai sall bring all thar haill houshald wyf barnis and seruandis till thar duelling housis and thar handill all thar gudis and remane with thar geir xv dayis and sa far as possible is that the offeiaris of the toune be sekyr that thai handill thar said geir in this maner that is to say that thai stand befor thar durris and se the saidis personis and thar barnis bring thar saidis geir in thar armys and handill the samyn And at the saidis personis mak faith that thai haif na vther geir na thai sehaw to the saidis offeiaris And als that thai handill syklyke all the geir being in thar buthis with thar houshald and barnis and outher remane with thar geir a certane tyme in thar buthis or ellis to bring thar said geir to thar duelling house and thar intromett and handill the samyn as is abone wryttin.

xvij Augusti Anno Domini I^{m} V^{c} *xxx.*

Anent the clengyng.—The quhilk day it is deuisit and ordanit anent the clengying of all thame that has bene infekkit in this contagius seiknes of pestilens That all maner of personis that has bene on the muire infekkit in the said seiknes or thai that hes bene amangis it and will nocht tak the samyn and has clengit thar geir on the mure be thaimself and nocht sene be the officiaris sua that the officiaris may haf na experiens quhither thar geir be ordourly and perfytly clengit or nocht Tharfor it is ordanit that the ballie of ilk quarter pas and visy all thai personis and thar geir and se that thai be now clengit perfytlie swa that the toune may be sekyr tharof in tyme to cum.

Niniane Johnnesone in Sanct Mary Wynd is clengit and past his way in the contray till wyn his leving at the command of the Provest and hes oblist himself that thar sall na danger cum throw him vnder the pane of deid.

Matho Windiyettis duelland in ane hous at the vuir bow hes oblist him sielike quhilk is clengit.

Penultimo Augusti Anno Domino I^{m} V^{c} *xxx.*

Statuta anent the clenging.—The quhilk day It is statut and ordanit that all the personis that ar clengit and has na barnis till tak the sey of thar geir efter the forme of the first actis That the ballie of the quarter tak thai personis and thar geir furth agane to Drummysheuch and clenge all thar geir agane of new And that als weill to the personis that ar ellis within the tovne as thai that ar to cum within the samyn And quhar thar is barnis to tak the sey of thar geir till proceid efter the forme of the first act maid tharapone And als quhar thar is ony pure vyle personis duelland within thar quarter that the lard of that land

quhar thai duell sall fynd souirte to the ballies that thai sall remoif at the nixt terme or ellis that the toune salbe skaithles of thame in tyme to cum.

2° *Septembris.*

Sandi Murray duelland in Murray Robert Boid duelland in Cunygahame ar bannist this toune for thar demeritis vnder the pane of cutting of thar luggis.

Ultimo Septembris Anno Domini I^mo V^c xxx°.

The Statute that landislardis remoif husseis and vile personis out of thar houssis.—It is statute and ordanit be the prouest ballies and counsall that all maner of personis that hes land or housis within this toune quhar ony husseis vile personis or vagabundis duellis in that wantis husbandis to wyn thar liffing that the saidis personis landis lardis discharge syk husseis and put thame furth of thar houssis within xv dais nixtocum vnder the pain of xl s̄ to be tane of ilk landis lard that falis heirintill And als ordanis the saidis wemen and vagabundis that thai remoif furth of the toune within the said space of xv dais vnder the pain of bannasing of the toune for all the dais of thar lyf And als that all yong fallowis that ar vagabundis remoif thaim out of this toune within x dais vnder the pain of bannasing for euer.

That nane gif woll till card nor spyne.—Item it is statut and ordanit that na maner of persoun within this burgh gif ony woll to card or spyn out of thar awin houssis to na persone bot gif it be till honest wedowis or honest falit personis houshaldaris vnder the pane of xl s̄ to be tane of ilk persoun that giffis furth the said woll but fauouris.

Anent the parsonis that sall brew aill.—Item it is statut and ordanit

that na maner of persone brew nor tap aill within this toune hot fremen or fremennis wiffis wedowis except honest personis that salbe admittit be the provest and ballies vnder the pane of bannasing of the toune.

Anent Hukstaris.—Item it is statut and ordanit that thar be na hukstar man nor woman tholit within this toune nothir to sell wyld foule tayme foulis butter eggis cheise fische aittis or hay or ony vther stuf fra xv dayis furth nixt to cum except thame that ar admittit be the provest vnder the pane of bannasing of the toune.

Penes infirmitatem and cuming in Sanct Gelis kirk.—Item it is statut and ordanit that na maner of persone man nor woman that has bene put furth to the mure in this contagius seiknes and clengit that nane of thame cum within Sanct Gelis kirk amangis the vther cleyne folk quhill thai optene licens of the prouest and ballies of the toune vnder the pane of banasing of the toune.

Statuta penes infirmitatem.—It is statut and ordanit be the prouest ballies and counsall Forsamekle as thar has bene diuerse personis infekkit within this toune with this contagius seiknes and wald nocht revele the samyn to the prouest and ballies of this burgh in dew tyme efter the forme of the statutis of the tovne maid tharapone and for pite thai war nocht pvnist efter the forme of the saidis statutis Quharfor yit as obefor We command and charge in our Souerane Lord the Kingis name provest and ballies of this burgh That na maner of personis within the samyn that gif ony seiknes happinnis in thar houssis in tyme to cum that thai reueil the samyn till thar narrest nichtbouris incontinent and command thaim till schaw the samyn till the officiaris of the toune and at thai hald thaim be thameself seuerall fra all vther personis and thoill nane cum to thame vnder the pane gif thai be pure folkis of byrnyn of thar cheikis and bannasing of the toune for all the dayis of thar lyf and neuer

to cum tharintill vnder the pane of deid And gif thai be folkis of substans vnder the pane of eschaet of all thar gudis to the commoun werkis of the toune and bannasing of thame self for all the dais of thar lyf And at thai put na seik folkis furth of thar houssis till na vthir place without avyse of the provest ballies and officiaris vnder the saidis panis And als that na maner of personis maister nor seruand pas furth of thar housses fra viij houris at evin furth in the wynter sesoun without bowet or vthir licht to convoy tham vnder the pane of xl s̄ to be takin of the maister als oft as he falyeis and viij s̄ of the seruand And that na maner of persone tak vpon hand to by or tak in wed ony maner of claith nothir lynnyng nor wowne auld or new quhill this seiknes be repressit vnder the pane of byrnyng of thar cheik and bannasing of the toune for euer.

Quarto Octobris Anno Domini I^{m} V^{c} *xxx.*

Patrick Gowanlok.—The prouest ballies and counsall remittis and consentis that Patrik Gowanlok cum and duell within this toune as he wes wont till do and admittis him till vse and bruik all fredomes and preuilegis that he had obefor And ordanis that he tak all his gudis furth of the luigeing he duelt in and haif the samyn to the place quhar he purposis to duell in to be handillit and intromittit with be himself barnis and seruandis continuallie efter the forme of the actis of the toune.

Sexto die mensis Octobris Anno Domini I^{m} V^{c} *xxx.*

Katryne Heriot to be drownit in the Quarell hollis.—The quhilk day Katryne Heriot is convict be ane assise for the thiftus steling and conseling of twa stekis of bukrum within this tovne and als of commoun theift and als for the bringin of this contagius seiknes furth of Leith to this toune and brekin of the statutis maid tharapone For the quhilk

causes scho is adiugit to be drounit in the Quarell hollis at the Gray frere port now incontinent and that wes gevin for dome.

Margret Baxter banist.—The quhilk day Margret Baxter put hir in the prouest and ballies will for resetting of Katryne Heriot that commoun thef for the quhilk cause scho is banist this toune for all the dayes of hir lyff induring the prouest and ballies will and till devoid incontinent.

viij Octobris Anno xxx.

Issobell Bowy Kate Boyd Besse Andirsone bannist.—The quhilk day Forsamekle as Issobell Bowy and Kate Boyd being inclusit within thar houssis for suspitioun of this contagius seiknes oppinnit ane fedder bed and tuke furth of the samyn fedderis to the quantite of half a staine and send thame till Besse Andirsone to sell doand at wes in thaim till infect the haill toune For the quhilk caus thai ar bannist this toune for all the dais of thar lyf indurand the provestis will.

And syklyk the said Besse Andirsone for the ressetting of the said fedderis is bannist this toune indurand the said provestis will.

Selling of aill.—It is statut and ordanit that na maner of brouster nor dry tapstar within this burgh tap nor sell ony aill fra this tyme furth bot for xvi d the galloune vnder the pane of spanyng fra the operacione for yeir and day.

Anent the Seiknes.—We dow yow to wit Forsamekle as God of his speciall grace has prouidit swa for this gud toune that all danger is past and na apperans of ony infectione nor has bene thir viij dayes past Nochtwithstanding it is thocht verray proffitable that the auld reule be obseruit and keipit continualy for all the sesioune of this yeir to cum swa that we be nocht dissauit That euery persone quhen ony seiknes

happinnis in thar housis revele the samyn incontinent to the officiaris of the toune according to the auld actis and statutis maid therapone vnder the panis of byrnyng and bannasing of the toune for euer.

Curia Burgi de Edinburgh tenta coram Willelmo Sym et Alexandro Belschis balliuis vicesimo sexto die mensis Octobris Anno Domini I^{m} V^{c} *xxx.*

Assisa.

Johne Grahame	Thom Craufurd	Thom Hunter
James Darroch	William Dalgleiss	James Raa
Robert Cady	Quintin Wauchop	Thom Robisone
Gawane Wallace	Andro Quhite	Pat Layng
Thom Bertrame	Alexander Myll	Johne Wilsone

Marione Clerk to be drounit in the Quarell hollis.—Marione Clerk convict be ane assisse for the conceling of this contagius seiknes scho haiffand the samyne apone hir rynnand thir x or xij dayes bigane scho past amangis the nychtbouris of this toune to the chapell of Sanct Mary Wynd on Sonday to the mess and to hir sisteris house and vther placis quhar scho lykit the pestylens and seiknes beand apone hir scho doand at was in hir till haif infekit the haill toune For the quhilk cause scho wes adiugit to be had to the quarell hollis and thair to be drounit quhill scho be deid.

x Nouembris Anno Domini I^{m} V^{c} *xxx.*

Thir ar the souirteis of the broustaris that thai sall obserue and keip the statutis of the toune quhill Michelmes nixt to cum on the south est quarter viz fra the Loply stane till Lord Borthiks cloiss quhilk William Sym is baillie of.

James Wr souirte for Robert Henrysonis wiff and Gele Hunter that thai sall obserue and keip the statutis of the toune quhill Michelmes nixt to cum vnder the pane of xl s.

. . . . . .

In the north west quarter fra Lord Borthikis cloise to the castill hill quhilk Johne Mauchane is baillie of xiij Novembris Anno I^m v^c xxx.

James Mathesone souirte for his wiff vnder the pane of xl s.

. . . . . .

Thir ar the souirteis of the broustaris in the north west quarter fra Alexander Cantis cloise to the Castill hill quhilk William Adamsone is ballie of.

George Alane souirte for his wiff vnder the pane of xl s.

. . . . . .

Thir ar the souirteis for the broustaris in the north est quarter fra the Nethir boll to Alexander Cantis cloise quhilk Alexander Belschis is baillie off xij Nouembris Anno Domini I^m v^c xxx.

Henry Lorymer is becummyn souirte for his wif vnder the pane of xl s.

. . . . . .

xv Decembris Anno Domini I^m V^c xxx.

Statuta pro Infirmitate.—We do yow to wit that Forsamekle as this contagius seiknes is rissin and spreid in Leith Quharfor We charge straitlie and commandis in our Souerane Lord the Kingis name provest and ballies of this burgh that na maner of personis of Leith that ar suspect of this contagius seiknes or that hes bene in suspect place cum or repair to this toune or intromett with ony persone of this toune under

the pane of deid And als chargis that na maner of persone man nor woman of this toune to repair to ony suspect place in Leith and that nane send thar seruandis about malt bot at the principall of the house outher the wif or the man pas thame self for thar malt vnder the pane of bannasing of this toune for euer And als chargis straitly and commandis that na maner of persone man nor woman tak in wed or by ony claise lynnyn or wollin fra ony of Leith or vther placis vnder the pane of bannasing And that nane seruand woman within this toune tak ony maner of clais to wesche fra ony persone quhen thai pass to the wattir bot thar awin masteris claithis vnder the pane of bannassing of the toune for euer.

Foule folk on the mure.—We do yow to wit Forsamekle as James Barbour master and gouernour of the foule folk on the mure is to be clengit and hes intromettit with sindry folkis gudis and clais quhilkis ar lyand in Sanct Rokis chapell Tharfor all maner of personis that has ony clame to the said gudis that thai cum on Tysday nixt to cum to the officiaris and thar clais to be clengit Certyfyand thaim and thai do nocht that all the said clais gif thai be of litill availl salbe brynt and the laif to be gevin to the pure folkis.

Quarto Januarii Anno Domini I^{m} V^{c} *xx.x.*

The Souirteis of the broustaris that has falit to be poyndit.—The quhilk day the prouest ballies and counsall decernis and ordanis that all the souirteis of the broustaris that has falit and brokin the statutis of the toune sen thai fand the said souirte that the souirteis be poyndit for xl s and that the said poynd be delyuerit to the ballie of the quarter to be kepit be him apone the broustaris gude bering And gif thai keip the statutis and falis nocht the plegis to be deliuerit to thaim agane And quhilk of thaim that brekis to be spanit the occupatione.

The quhilk day the prouest ballies and counsall ordanis Johne Blakstok as souirte for his wif till deliuer ane plege in the ballies handis of xl ℈ for breking of the statutis of the toune and that his wif forbere in tym to cum and keip the statutis vnder the pain of spanyn fra the operatione.

The quhilk day the prouest ballies and counsall ordanis Patrik Flemyn souirte for his dochtir to be poyndit for xl ℈ because scho brak the statutis and chargis hir that scho brek nocht in tyme to cum vnder the pane of spanyng the operation for yeir and day.

The prouest ballies and counsall ordanis maister Robert Galbraith as souirte for Heline Naper to be poyndit for xl ℈ because scho brak the statutis of the toune and chargis hir that scho brek nocht in tyme to cum vnder the pain of spanying the operatione for yeir and day.

Selling of Leith aill.—The quhilk day the prouest ballies and counsall ordanis Johne Andersone till decess and cess fra all maner of selling and tapping of ony Leith aill in tyme to cum.

> Thir ar the namis of the brostaris of this toune in William Symmis quarter viz fra the vplie stane till Lord Borthikis cloise quhilkis has brokin the statutis of the toune in brewing and tapping off xx d ale the gallone sene thai fand thar souirteis abefore.

William Symsoneis wyff.

. . . . . .

> Thir ar the names of the brostaris that fand na souirte of befor that hes fund souirte now till keip the statutis of the toune quhill Michelmes nixt to cum.

Robert Wilsone is becumin souirte for Majory Falconer vnder the pane of xl ℈.

. . . . . .

THIR AR THE PERSONIS that hes brokin the statutis of the toune in the bying of Leith aill and selling of the samyn agane for xx d the gallone.

Johne Archibaldis wiff. Thom Stenhouses wiff.

. . . . . .

THIR AR THE NAMIS of the broustaris of this toune in Johne Mauchane quarter viz fra the west port till the Lord Borthikis cloise quhilkis has brokin the statutis of the toune in brewing and tapping of xx d ale the gallone sene thai fand ther souirteis of befor.

Johne Brodderstanis wiff. William Cowttis wiff.

. . . . . .

THIR AR THE NAMIS of the brostaris that fand na souirte of befor that hes fund souirte now till keip the statutis of the toune quhill Michelmes nixt to cum vnder the pane of xl s̄.

Litill James Johnestone souerte for Sanderis Andersonis wife under the pane of xl s̄.

. . . . . .

Septimo die mensis Julii Anno Domini I^{m} V^{c} *xxxi zeiris.*

It is statute and ordanit be the prouest ballies and counsall for the eise and commoun weill of our Souerane Lordis liegis and eschewin of expensis in tyme to cum that quhat persone man or woman that is warnit be ane officiar of the toune till compeir befor thame at the instans of ony party and thai compeir nocht the first warnyng at the officiar makis thai personis sall pay ane vnlaw of viij s̄ vnforgevin and the nixt warning salbe with certificatione and thai compeir nocht the Prouest ballies and counsall sall proceid and minister justice to the pairtie complener without ony langer delay in peyne of thar contumatione.

LETTER FROM MR ZACHARY BOYD TO MR

PATRICK LINDSAY ARCHBISHOP OF GLASGOW

XXVIII JAN. M.DC.XXXVII.

LETTER FROM MR ZACHARY BOYD.*

My very honourable good Lord,

My humble ſeruice remembered to your Lordſhip, it hath pleaſed God at this time to deliuer me from the graue, wherein moſt willingly I could have lyen downe as in a bed, if it had pleaſed my Maſter Chriſt to haue ſaid Returne thou Sonne of Adam, as Moſes ſpeaketh in the pſalme of his Lamentations: but now ſeeing it hath beene his will yet to ſay to me *Pasce oues meas*, it is my part to ſtriue to feede them in the integritie of mine heart; yea and to be carefull that after me the place be ſo provided that worthie men may be preferred unto it for the well of ſo good a people which lye heere in a place the moſt eminent in the weſt.

* Zachary Boyd studied at the University of St Andrews from the year 1603 to 1607, when he took the degree of Master of Arts. He became Minister of the Barony Parish, near Glasgow, in 1623, and frequently held offices in that University. Thus in 1625 he was

It is your Lordſhips part before God and honour before men to ſee this done with all haiſt; for a ſudden change of your Lordſhip remoueing from this ſeat may come, ſo it ſhall not be called your Lordſhips doeing what ſhall be done afterward by another; Let me haue an anſwer to theſe who after your Lordſhips remoueing from us ſhall interrogate and ſay *Quid boni inter vos egit Archiepiscopus Lindesius?* If it ſhall pleaſe your Lordſhip at this Seſſion to doe as was commoned, I will ſtand yet be the bargaine, but if this Seſſion arife I reſolue to ſerue God carefully in my calling, and to keepe ſtill the little portion which I had in your Lordſhips predeceſſors time untill God find out a waye for the augmentation

one of the assessors of the Rector; in 1634 and in 1645 he was Rector; and in 1651 and 1652 he was Vice-Chancellor. He was one of the greatest benefactors of the College of Glasgow, having in 1630 given 500 merks towards the restoration of the buildings, and a few years afterwards 4500 merks for the support of three Bursars, and having left in his will, in 1652 and 1653, a very large sum, which, added to former benefactions, amounted in all to about 30,000 merks. In 1637 he doted to the College of Glasgow a valuable collection of books: and in 1648 he assigned 4000 merks to the College for the printing of his works, at the sight of the Faculty. In 1654 he was succeeded by Donald Cargill as Minister of the Barony Parish. Soon after his death, his widow, Margaret Mure, married Mr James Durham, then Minister of the Blackfriars Church, to whom the College found

of that ſtipend which is now the meaneſt of all the Preſbytrie conſidering in what a deare place I dwell, haueing neither glebe nor manſe concernit, which alſo I hope your Lordſhip will be carefull at this time that they may be deſigned for that Kirk.

So recommending your Lordſhip and honourable familie to the mercie and protection of God I humbly take my leaue, and ſo reſtis

Your Lordſhips

Moſt humble and obedient Seruant,

M. Zacharie Boyd.

From Glasgowe the 28
of Januar 1637.

it necessary in 1655 to dispone 7000 merks for their life-rent, before any operations for the reparation of the College could be commenced.

The works by which Zachary Boyd is best known are, "The last Battle of the Soule in Death," printed at Edinburgh in 1629, and a translation of the Psalms into English verse, of which four editions were printed at Glasgow prior to 1649. His other metrical writings are still preserved in the Library of the College of Glasgow, and are generally represented to be wretched doggrel. Their demerits, however, have been greatly exaggerated.

The above Letter is printed from the original, preserved in the General Register House.

I tak the boldneſſe as to remember heere the moſt humble ſeruice I am able to mak to my Lord Chancellor my Lord Hadintoune and my Lord Lauderdaile whom I remembered unto your Lordſhip *dum essem in faucibus mortis.* So long as I liue you all ſhall haue a dayly Oratour for your proſperitie.

[*Addressed*]

To the Right Reuerend Father in God my very honourable good Lorde and Patron the Arch-Bishop of Glasgowe.

BANDS OF FRIENDSHIP BY SCOTT OF BALWERY, ORROK OF THAT ILK, AND BOSWELL OF GLASMONT, TO THE LAIRD OF RAITH, ETC.

M.D.IX.—M.D.LVI.

BANDS OF MANRENT, ETC.

1. Ane Band of frindship and kyndnes by Wilyeam Scot of Balweri knycht to Jhone Maluyll of the Raith knycht. 6 Feb. 1509.*

I Wilyeam Scot of Balweri knycht bindis and oblifis me be the faitht and trewith in my body to ane honorabyll man and my traſt eyme Jhon Maluyll of the Raith knycht that forſamekill as the ſaid Jhon is bwnd to me in the ſowme of twa hundreth merkis wfwell mone of the realme lyik as at mayr lintht is contenit in the ſaid band maid thairapon Nevyrtheles I will that gyve I ſalye in my part keping of fauor and kyndnes in tym to cum to the ſaid Jhon that the forſaid obligacion of twa hundreth merkis be of nayn awaill forſe nor effec and be me to be diſchargit and adnullit for evyr In wytnes of the quhilk thing I have affixit my ſeill to this obligatioun wyth the ſubſcriptioun of my hand at Edinburght the ſaxt day of Februer

* These very curious Documents have been printed here by permission of the Earl of Leven and Melville, who obligingly communicated the Originals for that purpose. A faesimile of the beginning and end of the Protection to Kirkcaldy of Grange and Mr Henry Balnaves of Halhill, beautifully written on a fair sheet of Vellum, is given at page 134.

the yeir of God ane thouſand V^c and nyne yeris befoir thir wytnes Dauid Wemis of that Ilk knycht Jhon Multra of Merkinch Wilyeam Brown of Kowſtown Jhon Multra Alexander Scot of Fingaſk Jhon Boner of Roſſy Wilyeam Kyrcaldy of the Grange wyth wderis diuerſe.

WILLIAME SCOTTE off Balwery Knycht *manu propria.*

2. BAND OF MANRIE BY YOUNG ORROK TO THE LAIRD OF RAYTH. 2 JAN. 1519.

BE IT KENDE till all men be thir prefent letteris me Robart Orrok ſonne to ane honorable man Jamis Orrok of that Ilk byndis and obliſis me be the fayth in my body to ſtande for all the dayis of my lyeff trowe mane and ſerwande to ane honorable mane Jhone Mailuill of the Raytht knycht aganis all owderis the Kingis grace my Lorde Governour my Lorde of Sanctandrois now preſent the Abbotis and Conwent of Demfermeling and [ſocſeſſoris?] exceppit And ſall tak his affawld part with my perſoune frendis and ſerwandis And atour I ſall nocht heyr his ſchayth diſhonour bot I ſall aduertiſe hyme of the ſamin And I ſall gyff hyme my conſell in all materis to his weill and honour as to my ſalff And gyf this manrent be nocht ſufficient It ſall be extendit as the ſaid Jhone knycht thenkis expedient and the ſaid Robert in the beſt forme At the Raytht ſubſcrivit with my hand the ſecund day of Januar in the yere of God M° V^c and xix yeris befor thir witnes Wellyem Scheuez Jorge Bawlfowr Wellyem Mailuill with owderis diverſe.

ROBART ORROK ſone to wmquhyll James Orrok of that Ilk with my hand.

3. Band of Manrie of Dauid Boswell of Glasmont to the Laird of Reath. Aug. 30, 1520.

Be It Kend tyll all men be thir prefent letteris me Dauid Boifwell of Glafmont byndis and oblis me be the faitht and treutht in my body to ane honnorabyll man and my weilbelouit eme Jhone Meiluil of the Raitht knicht that for kyndnes and ald kynreit that hes ben betwyx my forbearis and his in tymis bygane that I fall leillille and trewly tak the faidis fchir Jhonis part in all his acciounis and quarellis mowit or to be mowit baitht with my body freindis and gudis contrar all men lewand the Kyngis grace my Lord Gouernour and my ouer Lord excep and fall gyf hym the beft confell I kane and fall keip his confell fecreit and auertice hym of his fchaitht efter my power and this my band to be obferuit and kepit I bynd me as faid is fubfcryuit with my hand at Balmowto the threty day of Awguft the yeir of God ane thowfand V^c and xx^ti yeris befor thir witnes Maifter Dauid Meiluill Gylyem Hay and Allexander Orrok of Syllebawbe.

David Bosswell of Glaímont with my hand.

4. Ane Band of Manrie be Alexander Orok of Sillebabbe to John Mailuill of the Raitht knycht. 9 Jul. 1522.

Be It Kend tyll all men be thir prefent letteris me Alexander Orok of Syllebabbe grantis me to be bund and oblift and be the faitht and treutht in my body leillelle and trewly

to be bund and oblyſt to ane honorabill man Jhon Mailuill of the Raitht knycht that I fall tak his afald and trew part in all his acchiounis and querelis contrar all men lewand quhatſumeuer baitht with my perſone gudis and frendis and fall giff him the beſt conſell I kane and ſall keip his conſell ſecreit and ſalbe reidy quhenever I am chargit to tak the faidis ſchir Jhonis part agane all wderis as ſaid is excep the Kingis graice my Lord Gouernour and the Abbotis of Dumfermlyn and the Laird of Balmowto excep and ſpeſchailli to tak the ſaid ſchir Jhonis part contrar the Lard of Balwery and his bairnis And this I oblis me to keep this ſaid band and gyf it be nocht ſufficient maid I am content that the ſaid ſchir Jhone mak it ſycyrar be the awyce of dyſcreit men ſubſcriuit with my hand and wnder my ſeall the ix day of Julij the yeir of God ane M° V^c xx^ti ij yeris befor thir wytnes Maiſter Dauid Mailuill the Lard of Kardowne Jhone Aitoun.

Alex^r Orrok with my hand.

5. Letter King James V. to certain Compositors to settle ane cause betuix the Laird of Raith and Jhon Multray of Markinch. 29 Jan. 1533.

Rex.

Traiſt conſalouris choſin in the cauſe of aſyththment making betuix Jhon Mailuile of Raytht knycht and Jhon Multray of Merkynche We gret ȝou wele and prays ȝou to dreſs that mater to ane gude end and ſe quhair the occaſioun of diſpleſour

hes begun betuix the faidis parteis / and as ȝe fynd cauſe wey the famyn to nothir of ther gret hurtis bot quhair the falt is gretaſt modefye als fer conforme therto and that ȝe failȝe nocht to mak ane gud end therintyll that thay may apperandly ſtand in concord eftyrwart Subſcriuit be ws and under our ſignet At Cowper the xxix day of Januar and of our ring the xxj yer.

JAMES R.

To our traist counsalouris compositouris betuix the Lairdis of Raith and Syfeild.

6. Letter from King James V. to the Laird of Reath, relative to the Marriage of his Son with the Laird of Lochlevens Sister. 3 Apr. 1541.

Rex.

Raith We ar informit be our Theſaurer and Maiſter of houſhald that the Larde of Lochleven deſyris ȝour aldaſt ſonne in mariage to his fyſtyr And as thay hane ſchawin ws ȝe wil nocht end with hym without ȝe knaw our mynd therintill We ar weill content that ȝe contract with hym rathar nor ony otheris And that for diverſe cauſis mowyng ws Tharfor our will Is that ȝe end the ſammyn ſubſcriuit with our hand At our cite of Sanctandrois the thryd day of Aprill and of our Ringne the xxviij yer.

JAMES R.

7. Protection by Mary Queen of Scots to James Kirkcaldy of Grange and Mr Henry Balnaves of Halhill. Paris 17 Feb. 1556.

MARIA DEI GRATIA SCOTORUM REGINA Vicecomitibus noſtris Edinburgi Stirlingi Fifæ Perthæ

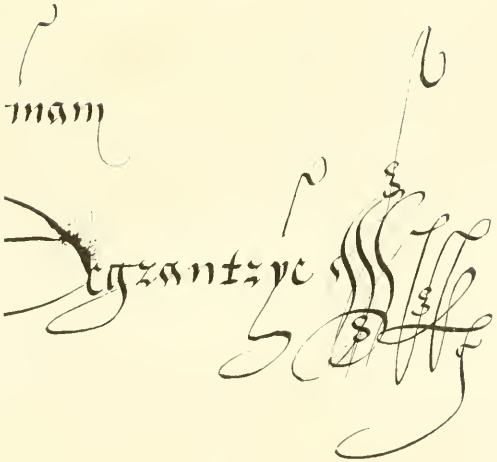
Et eorum deputatis ac vicemgerentibus Necnon dilectis noſtris Leoni armorum Regi Roſſæ Butæ hæraldis

Nunciis Vicecomitibus noſtris in hac parte conjunctim et diviſim ſpecialiter conſtitutis ſalutem Quatenus nos ex ſpeciali gratia et favore noſtraque authoritate reginali et rogante ac requirente chariſſimo patre noſtro chriſtianiſſimo Galliarum rege condonauimus ac remiſimus delectis noſtris Jacobo Kyrkcaldy a Grange et Magiſtro Henrico Balnaues a Halhill omnia prodicionis et leſæ majeſtatis crimina unaque quæuiſcumque alia crimina per eos aut eorum quemuis quovis tempore anteacto ante datam preſentium maxime autem turbulento tempore noſtræ minoritatis et infantiæ facta et commiſſa eoſque in noſtram pacem favorem miſericordiam et gratiam tamquam noſtros fideles et obedientes ſubditos recipimus veluti in noſtris remiſſionis et indulgentiarum literis eiſdem deſuper datis et conceſſis fuſius ac latius continetur et exprimitur Veruntamen ſi nos tolerare contingat eos aut eorum quemlibet citari aut in ius vocari coram Judice quovis aut Judicibus ſpiritualibus aut temporalibus intra fines noſtros quouis de crimine antedicto ad inſtantiam cujuſuis partis particularis ciuiliter aut criminaliter veluti noſtrarum legum rigor exigit (maxime autem circa ea quæ commiſerunt tempore obſidionis

omitibus nr̃is Edmburgi, Stirlingi, fifæ, perthæ

p. Nuncijs vicecomitibus nr̃is in hac parte conjunctim & diuisim specialiter constitutis
donauimus ac remisimus dilectis nr̃is Iacobo Kyrkcaldy a grange & magr̃o Henrico Balnaues a balbill
turbulento tempore nr̃æ minoritatis & infantiæ facta & commissa eosq; in nr̃am pac̃e, fauor̃e misericordiam

. absq; speciali consensu licentia & mandato nr̃o aut Charissime matris nr̃e Mariæ Reginæ viduæ
ve quouis quæsito colore vt supradict̃u est sub om̃i pena & muleta in qua̅ cedere possit contra maiestat̃e
huic nr̃e plenarie & mature deliberationi & voluntati hac in parte. Datum Lutetiæ parisiorū sub nr̃is
nno decimo quinto.



arcis Sanctiandreæ) quæ noſtra eſt miſericordia et gratia magis illis obſuiſſe quam profuiſſe videretur favore et gratia verſis in odium ac rigorem eadem pœna propoſita nocenti atque innoxio dum verſa vice quæ in illos grata et miſericors extiteramus atrox et ſeuera facta videbimur atque fiet ut gratiam et miſericordiam noſtram nullus conſequatur effectus Cum quæ ab illis commiſſa et perpetrata ſunt crimina ac illis præcipue imputanda veniunt facta et commiſſa ſunt tempore obſidionis arcis Sanctiandreæ dum per noſtram authoritatem et copias illorum vita et ſanguis oppugnabatur et adjuvantibus copiis chariſſimi patris noſtri galliarum regis chriſtianiſſimi armorum vi atque potentia ejecti atque expugnati ſunt: Itaque quæ ab eis commiſſa ſunt crimina atque maleficia in vitæ capitiſque diſcrimen ne caderent (quæ unicuique lege naturæ tueri licet) facta et perpetrata cenſentur Nos igitur premiſſorum rationem exacte ponderantes et diverſis aliis racionibus motæ prædictos Jacobum Kyrkcaldy a Grange et Magiſtrum Henricum Balnaues a Halhill authoritate noſtra ſupradicta eos et eorum quemlibet ſub noſtra protectione ſaluagardia et defenſione ſuſcepimus eoſque exemimus et eorum quemlibet tenore preſentium ſuſcipimus et eximimus ab omnibus Judicibus tam ſpiritualibus quam temporalibus intra terminos regni noſtri quauiſcunque de cauſa aut crimine quod illis imputari poterit ante datam preſentium tam civiliter quam criminaliter maxime vero et præcipue a tempore quo prædictam arcem ingreſſi ſunt uſque ad diem conceſſionis ac datæ præſentium / hancque noſtram exemptionem protectionem ſaluagardiam et ſuperſedere volumus inviolatam ſervari et cuſtodiri pro ſpacio et tempore duorum Annorum proxime et immediate ſequentium datam preſentium Volumus

igitur et ſtricte præcipiendo mandamus vobis et veſtrum cuilibet quatenus viſis præſentibus noſtris literis noſtro nomine et authoritate requiratis imperetis et precipiatis Cancellario noſtro Dominis conſilii et ſeſſionis Juſticiæ Juſticiariæ clerico et advocato noſtro Necnon omnibus aliis Judicibus et officiariis tam ſpiritualibus quam temporalibus generaliter et ſpecialiter intra fines noſtros ne quis illorum præſumat concedere aut dare cedulas aut literas ad inſtantiam cujuſuis perſonæ aut partis conſtitutæ intra terminos regni noſtri contra et adverſus prædictos aut eorum quemvis quaviscumque de cauſa actione aut crimine factis aut commiſſis per eos aut eorum quemlibet durante tempore præſcripto abſque ſpeciali conſenſu licentia et mandato noſtro aut chariſſimæ matris noſtræ Mariæ Reginæ viduæ regni noſtri protectricis gubernatricis et vices noſtras in eodem gerentis Quinimo deſinant atque deſiſtant illos quovismodo citare aut in jus vocare aut contra et adverſus eos procedere quovis quæſito colore ut ſupradictum eſt ſub omni pœna et mulcta in quam cedere poſſunt contra majeſtatem noſtram reginalem et authoritatem hac in parte deponendo eos et eorum ſingulos ſuis officiis ea ex parte ſi ipſi aut ipſorum aliqui preſumant aut intendant obſtare et contravenire huic noſtræ plenariæ et maturæ deliberationi et voluntati hac in parte Datum Lutetiæ Pariſiorum ſub noſtris manuali ſubſcriptione et ſigneto die xvij° menſis februarii Anno domini milleſimo quingenteſimo quinquageſimo ſexto Et regni noſtri Anno decimo quinto.

MARIA

Per Reginam

DEGRANTRYE.

ACTS AND STATUTES OF

THE LAWTING SHERIFF AND JUSTICE COURTS

WITHIN ORKNEY AND ZETLAND.

M.DC.II—M.DC.XLIV.

ORKNEY AND ZETLAND.

The early history of the Orkney and Zetland Islands is involved in darkness. Whether, at a remote period, either district had been subject to the Crown of Scotland, seems very doubtful; but it is certain that in the year 1266, both groups of islands were acknowledged to belong to the Kingdom of Norway.

In 1266, a treaty was entered into between Alexander III. of Scotland, and Magnus IV. King of Norway, by which the Isle of Man, and the other islands on the coast of Scotland, were ceded to the Scottish Monarch, but the Orkney and Zetland Islands were expressly reserved by the King of Norway, "*exceptis Insulis Oreadie et Yhetlandie* "*quas idem Rex Norwagie cum dominiis homagiis et reditibus serviciis et* "*omnibus juribus et pertinenciis suis infra easdem contigentibus dominio* "*suo specialiter reservavit.*"* This treaty was subsequently confirmed by Robert Bruce, and Haco V. King of Norway, on the 19th of October 1312.†

* Torf. Hist. Norweg. Vol. IV. Par. IV., lib. 6. cap. 3. Fordun, Ed. T. Hearne, p. 1353–5.

† Acts of the Parliaments of Scotland, Vol. I. p. 101.

From their vicinity to Scotland, however, as well as from the shelter which they afforded to Pirates, and other depredators who molested the adjoining coasts, these islands must always have formed a desirable acquisition for the Scottish Monarchs; and the attainment of this object was probably accelerated by the circumstance of the ancient Norwegian Earldom of Orkney having come to be vested in the noble Scottish family of St. Clair.

Accordingly, it appears that in 1460, when an attempt was made to arrange the disputes which had arisen between the Crowns of Norway and Scotland regarding the arrears of the "Annual of Norway," and which had been referred to the arbitration of Charles VII. King of France, on a suggestion by that Monarch, that the differences of the parties should be settled by the marriage of the Prince of Scotland with the daughter of the King of Norway, one of the first terms proposed by the Scottish Ambassadors was, that the Orkney and Zetland Islands should be given up to the King of Scotland,—"*concedcretur Regi* "*Scotiæ omne jus in Hialtlandiam et Orcades.*"*

At length, in 1468, on the marriage of James III. with the Princess Margaret, daughter of Christian, King of Denmark and Norway, a transaction took place, in consequence of which the Orkney and Zetland Islands came ultimately to be transferred to the Crown of Scotland. It would seem that the Estates of Parliament, having thought it expedient that the marriage of the youthful Sovereign should no longer be

* Torf. Orcad. Lib. II. ad Ann. 1460.

delayed, had resolved "to send ane ambassate in all gudely hast in Den- "mark and uthir places sene spedeful, with full commission to avise "and conclude uppon the mariage of our Soveraign Lord, in gude and "gaynand place, with a convenient person of nobile blude, and to have "full power to mary and bring hame a Quene." * An alliance with Denmark being chiefly desired, (as is plain from the terms of the resolution of Parliament,) the matrimonial Ambassadors proceeded at once to Copenhagen, where they appear to have conducted themselves with great prudence and discretion. One great object was, if possible, to obtain the cession of Orkney and Zetland; it would seem, however, that the Danish Sovereign had hesitated in at once parting with these islands, but he agreed to pledge them in security of a large part of the stipulated marriage portion. This proposal was acceded to by the Scottish Ambassadors; but when, or in what manner, the right of redemption came afterwards to be foreclosed, and the dominion of the Orkney and Zetland Islands transferred to this country, is a matter involved in much obscurity. This, however, is certain, that from that period they have remained attached to the Crown of Scotland. †

* Acts of the Parliaments of Scotland, Vol. II. p. 90. It is a singular circumstance, but which indicates the connection that then subsisted between Scotland and the Orkneys, that the Bishop of Orkney was one of the ambassadors on the part of Scotland to the Court of Denmark.

† Whatever may have been in the contemplation of the King of Denmark, as to subsequently redeeming Orkney and Zetland, it seems very evident that the Scottish Monarch had no intention of speedily parting with this newly acquired territory, and lost no time in endeavouring to incorporate it with the rest of his dominions. James III. was married to Margaret of Denmark on the 10th of July 1469, and on

During the period that Orkney and Zetland were subject to Norway, there is no doubt that, like its other dependencies, they were governed by the laws of that kingdom. It appears that there was a regular digest, known by the name of the "BUIK OF THE LAW," and which formed the ruling authority in the Courts of Justice.* That this code was similar to that of Norway, (modified, perhaps, by some local usages suited to the particular nature of the district,) seems certain, from various documents still extant, which shew that the tenures of land, the rights of succession and inheritance, the modes of transferring property, and the forms of judicial procedure, were nearly, if not entirely, identical with those of the dominant kingdom.

When the islands were transferred to Scotland, it appears to have been understood that their former laws and usages were to be preserved. There is, indeed, no stipulation to that effect in the Treaty 1468, as has erroneously been supposed; but the nature of the transaction would itself seem to imply, that so long, at least, as the right of redemption

the 21st of November of that year, the Bishop of Orkney appears as a constituent member of the Parliament of Scotland. On the 11th of May 1471, an Act of Parliament was passed to ratify a prior contract of excambion, entered into by the King and William Earl of Orkney and Caithness, by which the Castle of Ravynnisecrag, and certain lands belonging to the Crown, were exchanged with the Earl for the Earldom of Orkney, "*pro jure suo Comitatus Orchadie;*" and on the 20th February thereafter, the Earldom of Orkney, and Lordship of Zetland, are "annext to ye "Croune, nocht to be gevin away in tym to cum, except allanerly till ane ye Kings "sonis of lachfull bed;" and on 31st March 1486, the Town of Kirkwall was erected into a Royal Burgh, with power to elect a Commissioner to Parliament.

* Torf. Orcad. ad Ann. 1423. Reg. Secr. Con. Feb. 9. 1575. Reg. Sheriff Court of Orkney and Zetland, August 23, 1602.

subsisted, the laws and usages of the district should continue unchanged.

The ancient Provincial Assembly, called the LAWTING, appears to have existed from an early period in both districts. It would be out of place at present to enter into any lengthened discussion as to the peculiar constitution and authority of this Assembly, which was presided over by the principal local magistrate, and unquestionably possessed considerable powers both of a judicial and legislative description.

The judicial powers of the LAWTING, both civil and criminal, seem to have been extensive; in the former, acting as a Court of Original Jurisdiction, for deciding all cases of importance, and as a Court of Appeal, for reviewing the judgments of subordinate magistrates in questions of a minor description. The criminal jurisdiction of this Assembly extended to cases involving the punishment of death.

The legislative powers of the LAWTING were apparently of a more limited nature. It appears not to have possessed the power of altering any of the laws contained in the BOOK OF THE LAW, and accordingly its enactments seem to have been confined to provisions of the nature of police regulations, suited to the peculiar circumstances and situation of the district.

No record of the proceedings of the LAWTINGS, held prior to the commencement of the 17th century, has been preserved. The earliest record extant is that of the Court of Patrick Earl of Orkney, (on whom the most ample civil and criminal jurisdiction had been conferred,) from 1602 to 1604, which contains various enactments of the LAWTING of

Zetland during that period. No contemporaneous record for Orkney has been found; the earliest record of that district commencing in 1612.

From the subsequent Records of the Sheriff Court of Orkney and Zetland, it would appear that the Sheriff had, along with the judicial powers conferred on him, assumed also the legislative functions possessed by the chief magistrate in the LAWTING. From 1612, down at least to the middle of that century, various regulations appear to have been enacted from time to time by the Sheriff. These regulations are made "*with advice and consent of the Gentlemen, Suitors of Court, and Commons,*" or "*of the Gentlemen, Suitors of Court, and Baillies of Parochines;*" an imitation, it would seem, of the form of the ancient LAWTING, where the inferior magistrates and proprietors of the district invariably attended, and where the proceedings, whether judicial or legislative, were either in the name or with the advice of the assize.*

These "Country Acts," as they were called, throw some light on the condition of the remote district to which they relate, during the early part of the 17th century. They were published in the Appendix to Dr Barry's History of the Orkney Islands, but apparently from an imperfect and incorrect transcript. They are now printed from the Records of the Sheriff Court of Orkney and Zetland, preserved in the General Register House.

* It does not appear in what manner the Assize were chosen; their numbers seem to have varied from 15 to 28.

THE LATING COURT OF ZEITLAND HALDIN BE ANE NOBILL AND POTENT LORD PATRIK ERLE OF ORKNAY LORD ZEITLAND AND MR JOHNE DISCHINGTOUN HIS DEPUT AT THE CASTELL OF SKALLOWAY BANKIS THE XXIIIJ DAY OF AUGUST 1602.

Anent Dutche Merchandis.—The quhilk day It is heawilie complenit be the gentilmen and haill commonis within the contrie of Zeitland That quhair the Dutche merchandis and utheris straingeris repairing within the contrie hawing thair cowpis sett and ther toillis ressawit for keiping of ane lawfull tred of merchandrice according to use and custome keipit of auld Nochttheles thai and ewerie ane of thame bringis to the contrie and sellis thair wairis with unlawfull mettis kannis bwsmeris and wechtis quhairbe thai ar greitlie inritchit And the haill inhabitantis depauperat and hurt therby Thairfoir It is statut and ordanit that na Dutche merchand stranger or wther present or sell ony barrell meile contening les nor ten leispundeis And that the rest of ther kannis bwsmeris and wechteis cuttellis be usit according to the auld accùstomit forme of the contrie to be sichtit and conformit yeirlie be the foldis and sax newtrall men of ilk parrochin and yle within the contrie the saidis merchandis wnder the pane of confiscation of ther schippis and guidis and the said foldis incaice of failzie of ther tryall ilk persoun under the paine of jc ti and tinsall of ther office and the brekaris of this yeirlie to be giffin up in dittay under the paines of perjurie.

Actis anent Foirstallaris &c. to be observit.—The quhilk day anent the complent giffin in be the haill gentilmen and commonis of the

contrie That quher thir hes bene dyverse and sindrie lowable actis lawis and conswetutionis maid hiddertillis for mentening and authorising of the commoun veile of the contrie specialie anent foirstallaris theiffis murthoraris burding of schippis steillaris and mellaris with the wrek guidis therof beitting and bigging of necessar briggis besydis diuerse and sindrie actis and conswetutionis maid anent the commoun weile of the land quhilk hiddertillis hes beine overseine to have beine put to executioun to the greit hurt of the inhabitantis of the contrie Thairfoir it is statut and ordanit that the haill actis and ordinanceis maid of befoir thairanent salbe obserwit and keipit in tyme cuming under the panis and penalteis therin contenit And ordanis the foldis of ilk parochin and yle to seik and extract the haill dowbillis of the saidis actis to be publeist and exponit to the commonis and the brekaris and wiolateris therof to be giffin vp in dittay yeirlie to hawe incurrit the penalteis mentionat therin ilk fold wnder the pane of j^{c} li and tinsall of ther offices.

Proceidis upoun the xxv day of August 1602.

That nane lie nor traduce ane uther.—It is statut and ordanit be the adwyse of the essyse that nane lie nor tradnee ane uther within the euntrie of Zeitland to my Lord in ony poynt to the hurt of his nychtbour without sufficient probatioun led And in cais he beis fundin to haif done in the contrair for the first lie to tyne his rycht hand and sword and for the nixt lie to tyne his mowablis and to be baneist the euntrie And this to be extractit be foldis ilkane of thame under the pane of xl li and publist to the haill commonis of the contrie that nane pretend na ignorance heirof And siclyk that nane lie raile or traduce the Lord or Maiestrat of the coyntrie ether within the coyntrie or without fra this furthe ilk persoun under the pane foirsaid.

That nane intend actioun befoir the Lordis of Counsale &c.—It is complenit be a grete number of the gentill men and commonis of the

coyntrie of Zeitland That they ar hevelie hurt and preiugit be dyverse and sindrie craftie malicious and invyous personis within the contrie quha craftelie beginnis and intendis ther actionis aganes utheris befoir the Lordis of Sessioun and utheris Jugis out of the coyntrie quharbe the haile commonis ar liklie to be wrekit without tymous and speidfull remaid be put therto Thairfoir for remaid of this it is statut and ordanit that nane begin or intend actioun aganis uther within this coyntrie ather affoir the Lordis of Counsale or Sessioun or ony uther Juge temporall or spirituall or rais letteris in ony sort vtow the coyntrie fra this furthe vnles it be tryit that they ar refusit of justice within the coyntrie it selfe With certificatioun in cais they do that they and everie ane of thame quha contravenis thir presentis sall tyne the benefeit of the lawis of the coyntrie and newer to be hard in ony caus thereftor And ordanis thir presentis to be exstractit out of the buik be the foldis of the coyntrie and yles and publeist throwche the haill lande ilk persone under the pane of xl li.

Anent servandis passing afe the contrie.—Annent the complent giffin in be ane greit number of the gentilmen and utheris the commonis of the contrie That quhair the foldis and wtheris giffis licence and testimoniallis to a great number of servandis and utheris indwellaris within the land to pas afe the contrie to wther partis quharbe a great part of the landis of the contrie are likelie to ly ley without tymous and speidfull remeid be putt thereto Thairfoir it is statut and ordanit that na skippair merchand or awner carie away or transport afe the contrie ony persoun or personis in ther schipis bottis great or small without my Lordis licence or his deputis fra this furthe ilk skippar merchand or awner under the pane of j^{c} li als oft as they contravene this ordinance And sielyke that na fold nor uther grant ony licence or testimoniallis to ony fra this furthe wnder the pane to be accuseit as ussurparis of the Kingis auctoritie.

The Court of Dunrosnes haldin be Mr John Dischingtoun at Sowndbrughe the vij day of Julij 1603. *The Suitis callit the Court lawfullie fensit the essyse chosin sworne and admittit.*

THE NAMIS OF THE ESSYSE.

William Bruce of Simbuster
Jhone Neveine of Scowsbrughe
William Fermour fold
Hew Halcro
Malcum Halcro
Malcum in Culbeinsgarthe.
Magnus in Troswik.
Androw Smyth in Sand
Magnus in Channerwik
Magnus Grige
William Yewnsoun in Rearwik.
William Sinclair in Vwtwo
Grigerous in Lie.
Robert Rattray
William Crewkschank.
Thomas Sinclair in Myre.
Lowrence Leisk

Anent leiding peitis to my Lordis hous in Soundbrughe.—It is statut and ordanit be the adwyce of the haill essyse and speciallis of the parochin of Dunrosnes that the haill parochin salbe subject and astrickit yeirlie to leid and carie to my Lordis hous in Soundbrughe the quantitie of twentie four faddome peitis of Zeitland fadomis to be inbrocht uswalie fra this furthe in dew tyme of yeir And to be placeit and stakit at sik part as the fold sall appoynt And that the fold salbe ansuerabill thairfoir And that nane of thaim be stollin or spendit by my Lordis use incaice ony be the fold to be ansuerabill therfoir And in the meintyme appoyntis the fold to cheis sax newtrall men to stent the parochin for

leading of ther peitis And that ilk persoun according to thair laboring leid alyk And this to be done ilk persoun wnder the paine of ane angell nobill quha failyeis.

David Leslie to mak repentance for misusing the kirk of Cunnisbrughe.—It is tryit that Dauid Leslie hes maist schamefullie misusit the kirk of Cunnisbrughe and placeit his guidis therinto making the samen ane kow byre for the quhilk he is decernit to mak his repentance in presence of the Minister and haill congregatioun on Sonday nixt in sackclayth And forder to pay xl ℈ to the King for his offence And forder ordanis the haill commonis to upmak thair kirk dykis lawfull within the space of ane moneth ilk persoun under the paine of xl ℔.

That nane frequent the yle of Musa.—It is statut and ordanit that nane frequent the yle of Musa nor travell therinto with boitis or doing ony thing therin by the advyce and companie of Dauid Ked becaus he is appoyntit be my Lord to have the keping and handling of his haill holmis togidder with the haile guidis being therinto For the quhilk he is ansuerabill to my Lord And thairfoir ordanis that nane frequent the saidis holmis under the paine to be accusit for stowth As siclyk ordanis that nane frequent ony of my Lordis holmis with ony selchie netis without leife wnder the paine foirsaid.

Proceidis at Soundbrughe the ix of Julij 1603 *yeiris.*

Anent Ale Sellaris.—Forsameikill as the haile browstaris and wentaris of ale at the nes of Dunrosnes hes contravenit the actis and conswetutionis maid be Arthour Sinclair Shiref for the tyme in sa far as thay have sauld thair ale darrer nor auchtene penneis the pynt and the baik

ane pennie a wantage over ther bying And therfoir ilk ane of them ar decernit to pay x li wnder the paine of poynding And ordanis all the browstaris in tyme cuming to sell ther ale for auchtene penneis the pynt and ilk baik to be sauld for ane pennie in wantage over ther bying onlie according to the auld act forsaid ilk persoun under the paine foirsaid And that the ale be sufficient and owklie to be cunnit be Jhone Sinclair Larycht man and Lowrence Leisk Robert Rattray Grigerous in Lie Thomas Sinclair owklie ilk ane of them wnder the paine of xl li to the effect that the sufficient ale may be sauld according to the price forsaid And the insufficient ale delt to the poore.

The Nes callit Scatsnes.—It is statut and ordanit that the Nes callit Scatsnes with the haill fredomes girse and liberteis therof salbe equalie dewydit amangis the awneris of the landis of Scatsnes ilkane according to ther portionis And the profeitis therof to be dewydit amangis them all according to ther partis.

The Lating Court of the contrie of Zeitland haldin be Mr Johne Dischingtoun Shiref and Justice deput of the contrie of Zeitland At the Castell of Skalloway bankis the xxv day of Julij 1603 *yeris.*

Anent the boitis of Burray.—It is statut and ordanit that the haill inhabitantis of Burray sall mak ther boitis to ly upoun the eist syde of the yle to serve flitt and fwir in my Lordis serwice and that ilk last land serve alyk or than that the haill commonis furneis ane boit amangis thameselffis for fletting ony of my Lordis adois and seruiceis heirefter in all tyme cuming ilk persoun under the pane of xl li.

It is statut and ordanit that na boitis fra this furthe sall resort in the

nycht for making of ony merchandice bot in the fair day lycht swa that the nychtbouris be frie of wtheris skayth ilk persoun under the payn of xl ℔.

At Soundbruche the xxj day of Junij 1604.

Anent the price of aile.—It is statute and ordanit in respect the wictuallis ar guid scheape in the contrie praisit be God that the haill brousteris within the parochin of Dunrosnes sall sell na darrer aile nor twelff penneis the pynt fra this furth And to this effect appoyntit and electis Jhone Sinclair officiar Thomas Sinclair in Myre Robert Rattray and Lowrence Leisk to be cwnstaris to try quhidder thair aile be sufficient or nocht and to do thair dewoir faithfullie therein ilk persoun wnder the pain of x ℔ with speciall derectioun to them incaice of the saidis broustaris ailis be insufficient to escheit and daile the same to the pwir And that the haile broustaris obserwe and keipe this ordinance fra this furth ilk persoun under the pain of x ℔ besydis the escheting of ther brewing lwmes And ordanis the cwnstaris abonewretin to gife vpe the brekaris and contravenaris of this act yeirlie in dittay.

The Court of Burray haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland At Hous the xxv day of Junij 1604.

Anent the boitis of Burray.—It is statut and ordanit be adwyce of my Lordis selff that the haile boitis of Burray on the woist syd remaine to serve on the eist syd induring my Lord and his deputtis residence within the contrie bayth be summer and winter quhill thai compleit ther serwice ilk persoun wnder the pane of xl lib fra this furth als oft as tha contraveine And in my Lord and his deputtis absence to serwe the straingeris and passingeris upoun ther awin expenssis That is to say

ilk four earing boit to Meawik or Skalloway for ane flitting ane half merk and ilk sax earing ten Schillingis without thai produce my Lorde or his deputis warrand to be friet And sielyk that the haile commonis of Burray contribut amangis them selffis to by ane ferrie boit for serwing of all straingeris and passingeris to Meawik or Scalloway out of Burray vpoun thair awin expensis in maner forsaid ilk persoun under the pane of ten ℔i And that men be furneschit to serwe this boit be croce and the commoditie to be collectit and furth cummand quhill the boitis price be maid owt.

Anent casting of peitis within the yle of Burray &c.—Compeirit Alexander Bruce Procurator for ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland and dwmlawit with Dauid Sinclair fold of Burray as for himself and in name and behalff of the haile inhabitantis of the yle of Burray Brassay Gulberwik and Querff that thai and ewerie ane of thame sould cast and win ther peitis yeirlie in tyme of yeir according to the ordinance set down in my Lordis precept direct theranent wnder the paine of ane dwmra and sielyk wnder the panis contenit in the said precept And sielyk dwmlawit with him anent the payment of my Lordis wodderis this yeir and yeiris preceiding the samin and in all tyme cuming And that thai sould pay the samin at Midsomer yeirlie ilk persoun under the paine forsaid that is to say Burray Gulberwik and Querff twelff wodderis and Brassay aucht sufficient guid wodderis.

Anent the Wodmell of the contrie.—It is statut and ordanit that the wodmell of the contrie be maid yeirlie of the awin growthe of the wole of that yeir and nocht of the nixt zeir And that na wole be bocht or careit out of the contrie ay and quhill the wodmell be payit ilk persoun to pay j^{c} ℔i to the sellar and the escheting of the wole to the byar and the wodmell to be maid and brocht in Midsomer yeirlie according to use and wount wnder the paine forsaid.

Anent payment of Syse herring.—It is dwmlawit be Alexander Bruce in name of my Lord with Dauid Sinclair in name and behalff of the inhabitantis of the yle of Burray Gulberwik and Querff quha winis ony hering within the yle within quhat day thai and euerie ane of them sould pay ther syse hering to the said Alexander in my Lordis name and mak him payment therof according to my Lordis preceptis direct theranent alreddie Quhilk is ordanit to be done within ane moneth ilk persoun under the paine of ane dwmra.

The Shirefe and Justice Court of Quhitsnes and Weisdale haldin be ane nobill and potent Lord Patrik erle of Orknay Lord of Zeitland at Vsenes the 8 day of Julij 1604. *The Suittis callit The Court lawfully fensit The essys chosin sworne and admittit.*

Anent the Eirnis and the Corbeis.—It is statut and ordanit in respect that the eirnis and the corbeis continewallie sleais and destroyis the haile lambes and yung bestiall of the contrie be ressoun that nane waittis on them to slay them according to the auld actis of the contrie Thairfoir ordanis the haile houshalderis within the parochin and sa mony therof as hes gwnis to follow and slea the saidis airnis and corbeis And to haif for his panis according to the auld lawis ane lamb for sa mony eirnis or corbeis quhilk he sleais fra the personis quha desyris to schuit hir And incaice he refuise the lamb offeirit the gwnner to pay xl ß And ordanis that nane schuit or slay ony cunningis uther with gwne net or ony uther ingyne in ony mannis linkis without leife ilk persoun wnder the pane of x ℔ according to the actis.

Anent the Wodmell &c.—The haile essyse ratefeis and appreifis the

haile ordinances maid at Burray anent the Wodmell syce hering peitis and the ordinance maid theranent to be keipit within the boundis Quhytnes and Weisdaile wnder the pane contenit in the actis.

That my Lord haif his accustomit wodderis &c.—It is statut and ordanit that my Lord haife twelff accustomet wodderis and ane ox according as the rest of the contrie payis And that the samin be send in to the Lating this yeir under the paine of poynding And ordanis the fold poil in houff accompaneit with sax honest men to skance and stent the samin throche the parochin nocht onlie for this yeir bot also for the haile byrunis in tyme cuming as he will ansuer therupoun.

The inhabitantis of Quhytnes and Weisdale to pay yeirlie.—It is statut and ordanit at my Lordis command that the haile inhabitantis within the parochine of Quhytnes and Weisdale alsweile haifeing land as mowable pay ane schewnd ox quhilk is callit the sesing ox or at the leist the best grip according to the auld use And this to be payit to my Lord and his chamberlanis yeirlie wnder the paine of poynding.

The uter dyk of Quhytnes to be biggit.—It is statut and ordanit that the uterdyk of Quhytnes salbe biggit upe be the tennentis therof And siclyk William Sinclair of Ustanes is ordanit with his nychtbouris to put upe the Innerdykis to the effect that ather nychtbour may be frie of wther skayth bayth of ther guidis and bestiall ilk persoun according to his ȝaraman And wnder the paine of x li.

The Shirefe and Justice Court of Wais Aithsting and Sandsting haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland At Sand the v day of July 1604, *the suittis callit, the Court lawfullie fensit, the essyse chosin sworne and admittit.*

The act anent the hyring oxin out of the parochin.—It is statut and ordanit that nane within the parochin hyre ther oxin out of the parochin or sell ony of ther oxin to Dutchemen strainger or utheris out of the contrie fra this furth ilk persoun quha hyris ony out of the parochin wnder the pane of x ℔ according to the auld actis als oft as thai contravene And that nane sell ony of ther oxin in maner forsaid ilk persoun wnder the pane of xl ℔ *toties quoties.*

The Lating Court of the contrie of Zeitland callit the principall and heid Court therof haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland Justice Generall and Shireffe Principall of the regaliteis therof according to his infeftmentis giffin to him therof be the Kingis Majestie At the Castell of Skalloway bankis the xxij day of August 1604.

Anent the Wodmell of the contrie.—It is statut and ordanit that the wodmell of the contrie be maid yeirlie of the awin growth of the wole of that yeir and nocht of the yeir following And that na wole be bocht or careit out of the contrie ay and quhill the wodmell be first payit ilk seller under the paine of j^{c} ℔ and escheting of the wole to the buyar

And that the wodmell be maid and brocht in yeirlie at Midsomer according to use and wount ilk persoun under the paine forsaid.

Act anent the bying and selling of landis within the contrie.—Taking consideratioun of the great confusioun usit within the contrie of Zeitland anent the buying and selling of Landis therinto continewalie rememberit be the complentis and supplicatiounis of the commonis of the contrie to the greit hurt and commowne weile therof Thairfoir it is statut and ordanit that na persoun or personis fra this furth ather by or sell ony sort of landis with wtheris without the samin be first offerit to the narrest of the sellaris kin according to the use and constitutioun of the contrie And incaice of ther refusall that the samin be offerit nixt to my Lord himselff quha is Magistrat and superiour of the contrie affoir ony uther he payand therfoir as the awneris and he can agrie With certificatioun incaice of failze and contrawening of this present act That the tytillis and securiteis maid or to be maid upoun the saidis landis with all that followit or may follow therupoun salbe null and of na awaile in all tyme therefter.

Anent fisching &c.—It is statut and ordanit lykwyse for the weile of the contrie that na persoun or personis sall fische ley or schwit ony lynis within ony wo of the contrie fra Beltane to Alhallowmes yeirlie according to the auld actis of the land ilk persoun under the pane of x li.

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30 *Julij* 1612.

Curia Tenta apud Urbem de Kirkwall in Orknay in Templo Sancti Magni penultimo die Mensis Julij Anno domini Millesimo Sexcentesimo duodecimo per venerabilem in Christo patrem Jacobum episcopum Orchadensem.

Sectis vocatis et curia affirmata.

Bailleis.—THE QUHILK DAY ane reverend father in God James Bischop of Orknay his Maiesteis Commissioner Shirref and Justice within the bowndis of Orknay and Zetland sittand in judgement Ane certane number being gevin in in lyttis be the inhabitantis of Kirkwall to be Magistrattis did elect nominat and sweir William Carmichaell Dauid Moncreiff Robert Chalmer and James Futhie indwelleris in the said bruch bailleis to governe and beir rewll within the said toun for keiping and reteining the haill inhabitantis within the samen under his Maiesteis firme peace and obedience in that civile societie amongis thame selffis that becummis peciable and guid subiects with power to thame to creat clerks officers dempsteris and vtheris memberis of court neidfull for administratioun of justice.

Counsellouris.—The quhilk day ar nominat electit and sworne Alexander Tailzeour Thomas Mayn Michaell Chalmer Arthur Sinclair William Covintrie Nicoll Sinclair Magnus Cragie and William Robesone Counsellors and Assissors for voiting geving ane a fald counsell and concurring with the saids Magistrattis in all materis concerning thair estait as effeiris.

Ministeris.—The quhilk day It is statut and ordanit that the saids Magistrattis and Counsell sall assist and fortifie the minister and ses-

sioun of Kirk for putting to executioun of all actis and statutis made be thame for mentenance of Godis glorie the edificatioun of the kirk and pwnisching of vyce within thair jurisdictioun.

Mercat day.—The quhilk day it is statut and ordanit That Satterday sallbe a mercat day ouklie in tyme cumming within the said town and that the bailleis and cownsell of the said town sall gif ordour for fleschouris fischeris brousteris baikeris cordineris and vtheris craftismen and lairdis within the said town for keiping of ane civile societie and gwid ordour and repressing of all enormiteis and extortiounis in all tyme cumming.

Drunkin men.—The quhilk day It is statut and ordanit that the saidis bailleis and magistrattis sall exact of everie persone fund drunk of whatsumever rank qualitie or degrie the sowme of fourtie schillingis money *toties quoties* as they sall happin to be fund and mair according to the habilitie of the persone and discretioun of the magistrat And gif they haue no geir pwnisch thame in their persones.

18 *Augusti* 1612.

Curia Vicecomitatus de Orknay et Zetland tenta apud Castellum de Skalloway In aula ejusdem per venerabilem in Christo patrem Jacobum episcopum Orchadensem Commissionarium S. D. N. Regis Vicecomitem dicti Vicecomitatus die xviij° mensis Augusti 1612.

Sectis vocatis et curia legitime affirmata.

Memberis of Court.—The quhilk day ar chosen Mr Harie Aitkin clerk Thomas Yong officer and Gilbert Cantlie adjudicator and Robert Coltart procurator fiscall.

The quhilk day the said reverend father in God produceit his commissioun Quhilk wes red in face of court and maid faith *de fideli administratione.*

The quhilk day the foirsaid memberis of Court chosin electit and sworne the Court fensit suittis callit wes continewit to the morne.

Die decimo nono Augusti.

Beggeris and Vagaboundis.—The quhilk day Forsamekill as thar is monie baith outland and inland beggeris of woll fisch and cornis of honest rank that repairis and sornis thruch the cwntrey and overlayis the same begging woll fisch and cornis and will not be refuissed bot in effect vrges the indwelleris to give thame that hes no necessitie of the same It is thairfoir Statut and Ordanit be the reverend father in God Commissioner Sherref and Justice foirsaid with consent of the gentilmen and comounis that in cais ony sik personis that ar not auld decrepit and misterfull sall be fund heireftir that it sall be lesum to the finder to tak the plaidis from thame or vther thair vpmaist claith and delyver thame selffis to the baillie of the parochin to be pwnischit in the stockis and jogis as idill and vagabound persones And gif the bailye refuis to pwnisch thame conform to the premisis he sall pay to the Shirref or his deput sex punds.

Act contra Chapmen and Foirstalleris.—Item forsamekill as thair is diveris and sindrie Chapmen quha be way of foirstalling at all occasiounis attendis the cumming of schippis and prevenis the inhabitantis of the cwntrey in bwying all soirt of merchandice and selling the same agane to the cwntrey pepill at ane far heicher rait to thair great preiudice and hurt Thairfoir it is statut be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and

comounis That it sall not be lesum at na tyme heirefter to na chapmen to bwy ony merchandice from ony stranger or merchand of schip vnder the pain of escheiting of the said merchandice and gwidis vntō the tyme the inbringer mak intimatioun to the baillie of the parochin wher he landis and the baillie of the parochin to the parochineris the Sabboth nixt therefter that they being maid forsene may have the first loff of sick thingis as may be maist necessair for thair vse and within thrie dayis nixt efter the secund sabboth of the arryvall of the said schip or schippis it to be lesum to the said chapmen to have place to mak merchandice as ony vther cwntreyman.

Act for Servandis.—Item Forsamekill as thair is monie serviable persones that mareyis and takis up housis nocht haveing whervpone to live wherby the inhabitantis and induelleris in the cwntrey ar damnefeit and hurt for laick of servandis Thairfoir it is Statut and Ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comownis of the cwntrey That it sall not be lesum to servile persones not worth thrieskoir gulyeonis quhilk is lxxij ℔i Scottis to tak vp housis nor no man to set to thame housis or land And gif they doe in the contrair the baillie of the parochin with thrie or four honest nichtbouris quha sall be haldin to go with him at his desyre sall dimolisch and cast doun thair housis and put thame to service and sall caus the setter pay the sowme of xx ℔i And incais the baillie refuisis to do the same he sall be deposit of his office and pwnischit at the discretioun of the Shirref and his deput.

Act for Thift Rowing and pulling of Scheip.—Item forsamekill as the abhominable cryme of Thift is so comoun in this cwntrey and rowing and pulling of scheip quhilk can hardlie be tryed in respect of the wydnes of the bowndis to the great preiudice of the inhabitantis of the Land For remeid quherof It is statut and ordanit be the said reverend

father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comounis that it sall not be lesum at ony tyme of day bot speciallie befoir the sun rysing and efter the sun setting to go thruch his nichtbouris scattell or comontie with ane scheip dog except his nichtbour within quhais scattell he travellis be maid foirsene and desyre him self or ane of his houshold to accompanie him And gif he be fund contrair to the tenor heirof sall pay for the first fault the sowme of vj ℔ and his dog hangit and not to be lesum to him to have a scheip dog thairefter under the pane of four angellis And gif he be fund the secund tyme not being accompaneyit as said is sall pay sex angellis And gif he be fund the thrid tyme sall be haldin and pwnischit as a Theif And gif it sall happin ony man to be fund day or nicht in ane uther manis holme upone quhatsumever pretence without licence of the awner and speciallie in the holmis now belanging to the Kingis Maiestie without licence of the keiper thairof he sall be reput haldin and pwnischit as a commoun theif conforme to the lawis and practique of this realme.

Act for Sclander.—Item forsamekill as it is havelie complenit that thair is diveris and sindrie persones quha out of thair evell humouris and bad dispositiounis detractis sclanderis and defames thair nichtbouris calling thame hwir theif and sicklyke sclanderous wordis quher they ar hurt in thair name and fame far contrair to all cristiane dewtie equitie and ressoun For remeid quherof It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comownis That it sall not be lesum to ony man or woman of whatsumever rank or qualitie at ony tyme heirefter to detract sclander or defame utheris quherby thair name or fame may be hurt or imparit And gif they doe in the contrair the partie contravenar or breker sall pay to the Kingis Maiestie or his deput liij s iiij d And to the partie offendit according to the discretioun of the Judge befoir quhom he sall be citat quha thairefter sall tak cawtioun of the offender

that he sall the nixt Sabboth day thairefter compeir befoir the Minister and parochinaris within quhais boundis they sall happin offend and publictlie in presens of the congregatioun convenit for the tyme confes his fault and crave the partie grevit and offendit forgivenes.

Act for Swyne.—Item forsamekill as it is havielie complenit be the inhabitantis of the cwntrey that they ar havielie damnefeit and hurt anent hirding and keiping of swyne quha castis vp eittis and destrois thair nichtbouris cornis and girs within dyke in forbiddin tyme Quhairfoir it is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid that gif heirefter ony nichtbours swyne sall cast up eatt or destroy his nichtbouris cornis or girs foirsaid in forbiddin tyme that the partie interest hurt and damnefeit for the first fault sall adverteis the awner of the swyne of his skaith onlie And gif they sall be fund the secund tyme for the secund fault sall poind the said swyne and wairne the awner thairof And incais of his absens his wyff or bairnis being of perfyte age and sall wairne thaime to cum and sie the skaith comprysit quhilk they sall be haldin to pay within twentie four hours Quhairfoir it sall be lesum to the baillie to poind And for the thrid fault gif ther sall happin to be fund the thrid tyme it sall be lesum to the partie finder or challenger in maner foirsaid quha sall happin thrie tymes to be damnefeit and hurt in maner abouewrittin to slay the said swyne but dainger of pryce spuilye or uther dainger of law quhatsumever.

Act for Thift.—Item for remeid of thift quhilk aboundis greatumlie to the preiudice and hurt of monie within this cwntrey It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and commounis That all pedderis chapmen or buyeris of hydis skinis or woll fra quhatsumever persone or persones sall cum to the baillie of the parochin within quhais boundis he sall happin to bwy the same and schaw him the hydis skin or woll with

the mark thairof and fra quhome he coft the same And sall not consell fraudfullie nor say deceitfullie that he coft from ane persone quheras of verritie he coft the gwid from another bot sall tell the treuth vpon his great aithe vnder the pain of confiscatioun of his pack.

Act for Ryding uther mens horsis and stowing of thair taillis.— Item it is statut be the said reverend father in God with advyse and conseil foirsaid for remeid of ryding uther mens horsis that quhasoever sall be apprehendit ryding ane uther manis hors without licence and leave of the awner inwith the parochin quhair the awner of the hors duellis sall pay to the Kingis Shirref or deput four merks and to the partie awner iiij merks And gif he be fund and apprehendit ryding ane uther mans hors outwith the parochin quhair the awner of the hors duellis he sall pay viij merks to his Maiesties deput and viij merks to the partie And gif it sall be tryed and fund that the ryder and taker of the hors hes overriddin ma parochins for everie parochin according to the distance of the place of the parochin out of the quhilk the said hors wes takin sall triple quadruple or augment according to the severall parochins quhairthrow it sall happin him or thame to ryde And gif the ryder have na moyen to satisfie the foirsaidis penalteis proportionallie as is abouewrittin he to be pwnischit in his persone effeirand to the offence and deid at the discretioun of the Judge And quhasoever sall be tryet or fund to stow or cut ane uther mans hors taill the doer thairof sall be pwnischit as a theif at all rigour in exempill of utheris to commit the lyke.

Publication of these Acts to be made at everie Paroch Kirk.—Item for the better fulfilling of the foirsaids actis and putting the same to dew executioun in the haill heidis and clausis thairof It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the Gentillmen and Comouns that the bailleis of ilk parochin sall mak publicatioun thairof at thair paroch kirk quhairby nane pretend

ignorance upone the first lauchfull Sonday nixt heirefter following And sall put the saidis actis and everie ane of thame to dew execution in the haill heidis articklis and clausses thairof and sall be comptabill for the discharge of thair offices quhairby his Maiesteis lieges or ony within thair jurisdictioun and severall bailliareis hes bene delayit or frustrat of justice and dew execution thairof Or incais that ony of thame sall be tryet or fund to oppres or wrang ony persone or persones within thair bailliareis by the exacting of services or ony vther thing quhilk is not dew to thame or to ressave buddis or brybbis for perverting of justice Than and in that cais or ony vther of the lyke nature or qualitie they sall be haldin baith to repair the wrangis at the sicht and discretioun of the Shirref quhilk they have done As also they sall be estimat infamous or unworthie ever to bruik office or credite in ony tyme thairefter.

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Curia Vicecomitatus de Orknay et Zetland tenta apud Castellum de Skalloway bankis per venerabilem in Christo patrem Jacobum episcopum Orchadensem Commissionarium S. D. N. Regis et Vicecomitem dicti vicecomitatus die vigesimo primo Augusti 1612.

Curia tenta et legitime affirmata.

Dittay contra the Egiptianis for slauchter.—The quhilk day Johne Faw elder callit mekill Johne Faw Johne Faw younger callit Littill Johne Faw Katherin Faw spous to umquhill Murdo Brown Agnes Faw sister to the said Litill Johne wer indicted and accusit for airt and pairt of the cruell and unmercifull slauchter of umquhill Murdo Brown egiptian committit be thame upone the grund of the landis of Garth within the parochin of Delting Lordship of Zetland and Sherifdome of Orknay upone the last day of July last bypast And als the said Johne Faw

younger wes indyttit and accusit for geving his bodie to the abhominable vice of incest with Barbara Faw his wyffis sister and with Helen Faw his wyffis sister dochter And for geving the use of his bodie to the abhominable vice of Adulterie with Katherin Faw spous to the said umquhill Murdo And last they and everie ane of thame wer indyttit and accusit for commoun thift and commoun pyckrie and for geving of thame selffis furth for Sorcereris givearis of weirdis declareris of fortownis And that they can help or hinder in the proffeit of the milk of bestiall Quha denyit the same Compeirit Robert Coltart procuratour fiscall and desyrit the foirnamed persones to be put to the knawledge of ane assyse and justice to be ministrat conforme to the dittay Compeirit Waltir Ritchie notar procuratour for the foirnamed persones indyttit Quha alledgit that they awcht not to be put to the knawledge of ane assyse becaus it is of verritie conforme to the practique of this realme Egiptianis have never bene adjudget to the death for slauchter amongis thame selffis And so giveand and not grantant that they had committit slawchter yet being Egiptianis and amangis thameselfis they sould not be put to the knawledge of ane assyse nor adjudgit unto the death To the quhilk it wes ansuerit be the said Procuratour Fiscall That the foirsaid alledgance awcht to be repellit Becaus conforme to the commoun practique quher slauchter is committit within ony Jurisdiction they awcht to be pwnischit conforme thairto within the samen Bot so it is that they have committit slawchter within this Jurisdiction Ergo Secundlie It wes alledgit that if ony slawchter wes it wes in thair defence Lykeas he offeris him to preiff that the said umquhill Murdo drew the first sword To the quhilk it wes ansuerit that it awcht to be repellit in respect of the slawchter and dittay Thridlie it wes alledgit be the said Walter that the haill foirnamed persones indyttit as said is except the said Katherene Faw aucht to be assoilyeit Becaus the said Katheren slew hir said umquhill husband with hir awin hand with a lang braig knyff and cravit hir declaratioun thairupone quha confest the fact Quherupone the said Walter for the

part of the rest of the foirnamed persones askit instrumentis and act of Court And Robert Coltart procuratour fiscall protestit in the contrair The Judge repellit the foirsaidis twa alledgances And ordanit the foirsaidis persones to be put to the knawledge of ane assyse.

Assisa.

Nicoll Sclaitter in Skallowaybankis
William Magnussone of Neip
Magnus Olasone of Ilsbruch
David Kaid in Skallowaybankis
Malcolme Mowat ther
Magnus Cogill in Papastour
Chanr Berard Mowat in Collafirthe
David Foster of Lunay
Jerome Nicolsone in Caldcliff
Magnus Olasone in Aithsnes
John Magnussone in Garmantwat
Magnus Bult fowd of Brassay
Magnus Smith in Brassay
Henrie Wischart in Burraland
Thomas Lentroun skipper in Leith.

Quha being sworne and admittit The said Robert Coltart procuratour fiscall forsaid askit instrumentis and protestit for wilfull errour in cais of not delyverance affirmative Past altogether furth of court ryplie advysit and enterit agane Fand delyverit be the mouth of Berald Mowat chancelar the said Katheren convict of the slawchter of hir said umquhill husband the tyme foirsaid and fand the remanent persones quyt and frie thairof Efter quhais declaratioun The Judge decernis and ordanis the said Katherene to be tane to the Bulwark and cassen over the same in the sey to be drownit to the death and dome given thairupone And decernis the remanent persones to be quyt of the crymis abonewrittin.

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Curia Capitalis Vicecomitatus de Orknay et Zetland tenta in Kirkwall per honorabiles viros Henricum Stewart de Carlongyie et Magistrum Wilielmum Levingstoun Vicecomites deputatos dicti Vicecomitatus die vij Junij 1615.

Jonet Drever and Katherene Bigland tried for Witchcraft.—The quhilk day Jonet Drever and Katherene Bigland alias Grewik being pannald indytit and accusit for airt part vseing committing and practizeing of the abhominable and divelishe cryme of witchcraft contened in the particular and severall pointis or dittays gevin in aganes thame Compeirit Robert Coltart procuratour fiscall and desyrit persones to be put to the knawledge of ane assyse of the persones following viz &c &c

The said persones being receavit sworne and admittit past al togidder furth of court and ryplie advysit inenterit agane fand and delyverit all in ane voice for the most part the said Jonet Drever be the mouth of Robert Menteth chancelar To be convict and giltie of the fostering of ane bairne in the hill of Westray to the fary folk callit of hir our guid nichbouris And in haveing carnall deall with hir And haveing conversation with the fary xxvj zeiris bygane In respect of hir awin confessioun And sicklyk fand and delyverit for the maist part be the mouth of the said chancelar the said Katherene Bigland To be convict and giltie of witchcraft for standing in the style or the kirkzaird of the croce kirk of Westray with drawin knyffis in hir hand quhill Marioun Tailzeour hir mother and vtheris that wes in hir companie cam furth of the said kirk the most part of ane nicht Item convictis and fyles the said Katherene for laying of ane duyning and quotidean seiknes upon William Bigland in Swartmiln hir master Item fylit the said Katherene for

practizeing of the said divellische cryme of witchcraft In going furth under clud of nicht about Candelmes last and bringing in to the said William his hous of wattir as apperit And wesching of the said William his back therwith And laying him doun saying he wald gitt guid rest and lying doun betuix him and the dor having refuissed to ly in any uther place And the said William haveing walknit with fear and crying and feilling a thing lyke a ruche scheip abone him In saying to him be not affrayit for it is the evill spreit that trublit yow that is going away And in taking of the said William upone the morne at nicht efter sun setting under the bankis and wesching of him with salt wattir at that tyme And fyve or six vthir nichtis therefter quhill he receavit healthe be hir unlaufull and divelische airt of witchcraft Item fylit the said Katherene in laying of the seiknes the said William had upone Robert Broun his servand quha continewit therin almost mad tuo dayis quhill schoe cam and graippit his pulses and brow and straikit his hair backwards and saying he wald be weill And casting of the same seiknes immediatlie upon the said William Bigland And the said Katherene being challengit within the said Ile therfor for taking of the said seiknes af the said Robert and casting the same agane upon the said William In saying if William Bigland livid schoe wald die And thairfoir God forbid he leive Efter quhais deliverance the Judges decernis and ordanes the said Jonet Drever to be tane upon the morne betuix 3 and 4 houris efter nune and scurdgit fra the end of the said toun to the uther And thaireftir to be banisched the cuntre And nevir to returne under the pane of death And sielyke decernis and ordanes the said Katherene Bigland to be tane to the heid of the lone the morne at tua efternune And thair to be bund to a staik and hangit to the death and brint to asches And dome gevin heirupone.

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1 *Augusti* 1615.

Curia Vicecomitatus de Zetland tenta apud Castrum de Scalloway bankis In aula ejusdem Per honorabilem virum Magistrum Willielmum Levingstoun Vicecomitem Deputatum dicti vicecomitatus die Primo mensis Augusti Anno Domini Millesimo sexcentesimo decimo quinto.

Sectis vocatis et Curia legitime affirmata.

Memberis of Court.—THE QUHILK DAY ar chosen Robert Raa In Procurator Fiscall Robert and George Blakis and Gilbert Cantlie Officeris sworne and admittit and Magnus Cromertie in Dempster And all actiounes continewit to the thrid day of this instant.

Tertio Augusti anno 1615.

THE QUHILK DAY Forsamekle as sin and iniquitie is and hes bein the caus of Goddis havie plagues and judgementis And that partition wall quhilk devydit the people frome the presence of God and the caus of gryt dissollatioun in kirk and policie within this countrey for laik of disciplein And putting of the actis of the kirk (quhilk has bein grytumlie contempnit in tymes past) to dew execution And sicklyke that ther hes bein gryt ignorance of his most sacred Majesties royall and supreme auctoritie In practiseing of forren and uncouth lawis contrair to the tenour of the Actis of Parliament and secreit counsell maid theranent And Lykwayis That ther hes bein gryt dissolatioun in the commone weill trouble and dissorder injuries and wrangis amongis the Inhabitantis of the land for laik of governement administratioun of justice and putting of the samen to dew executioun THAIRFOIR It is

Statute and Ordainit be the said Sherif deput with advyse and consent of the gentlemen sutteris of court and commounes all with ane advyse consent and assent as efter followis.

For punischment of sin and vice.—In the first It is Statut and Ordanit For punischement of sin and vice That the actis of the kirk maid and to be maid be the Ministrie and thair Sessioun of kirk aganes transgressouris and sinneris be put to dew executioun with all rigour in example of utheris to do the lyk Be stocking joging and gowing of the saidis Malefactouris and be putting of thame in brankis douking in the sey and in useing of all uther publict punischement ansuerable to the qualitie of the falt And to this effect that the baillie of ilk parochin and his officer concurr and assist thair ministeris elderis and thair officeris in putting all sick statutis maid or to be maid in thair said sessioun of kirk to dew executioun as said is for mantenance of Goddis worship keiping of the sondayis suppressing of all Idolatrie speciallie of walkis and pilgrimadges And all utheris vyces and punisheing persones refractarie and dissobedient to thair disciplein under the panes of deprivatioun and payment of fourtie pundis to be employed *ad pios usus.*

That all persones honour the Kingis Majestie.—Item It is Statut and Ordanit That all maner of persones of quhatsumever rank qualitie and degrie sall honour thair dread Soveraing the Kingis Majestie and submitt thameselves with all reverence to his auctoritie and obey his law disclame and renunce all forren lawis actis statutis and constitutiounes quhatsumeuer observeit heirtofoir under the panes contenit in the actis of Parliament and most honorabill Privie Counsell maid thairanent And that all men according to thair rank and degrie provyde thameselves of sufficient armour according to thair estait And be in reddines at all occasiounes to serve his Majestie and Deputtis present or that sall

be for the tyme ffor suppressing and withstanding the incursiounes of Pirottis and utheris tumultous persones as they wilbe ansuerable upoun thair hyest perrell.

3. *Anent directing of the corse.*—Item It is statut and ordanit to the effect forsaid That ilk hous and familie sall cairfullie and diligentlie direct the corse to his nixt nychtbouris with ane sufficient berar ffor admonishing the people to convein aither to kirk to preichins or prayeris or for his Majesteis service and sick uther necessar causis as salbe thought expedient be the Minister Shireffis and Justiciaris or thair Bailyeis and sall not stay nor lay doun the same bot direct it with all diligence upoun the recept therof under the pane of vj li money *toties quoties.*

4. *Anent false weehtis.*—Item It is statut and ordanit ffor eshewing of false wechtis and measouris That all Bwsmeris be merkit with his Majesties mark and all cannes be ansuerable conforme to the scottis pynt and quart And that the Dutche Merchandis barrellis and all utheris traffeccaris be of sufficient bind And that thair ry maill barrellis be weill packit contening aucht lispund and ane half lispund maill And the contravenaris heirof to pay ten pundis for the first falt and double the said paine sa oft as they sall happin to contravein therefter And that by and attour the paines contenit in the actis of Parliament maid theranent And punishment to be inflictit upoun thame conforme therto.

5. *Anent vagabondis and beggaris of woll.*—Item It is statut and ordanit that na outland nor inland beggeris of woll fishe and cornes of honest rank sall repair throw the contrey nor ourlay the samen begging steilling rowing and pulling of scheip under pretext therof And incais ony sick persones that ar nocht auld decripit and misterfull salbe fund

heirefter begging in maner forsaid That it salbe lesum to the finder and apprehendar to delyver thame to the Bailie of the parochin to be punisheit as idle vagabound persones in the jogis or stockis And gif the bailyie sall refuis to punishe thame conforme to the premisis or utherwayis to present thame to the shirefe or his deputtis he sall pay to the Shireff or his deputtis the sowme of tuentie pundis.

6. *Anent the payment of the lating oxin and scheip.*—Item It is statut and ordanit That all sick landis as hes bein in use and custome of payment yeirlie of ye lating oxin and scheip at ony tyme sen ye first impositioun sall pro rata pay the samen for releiff of the comones and pure anis notwithstanding of ony immunitie or oursicht they have haid in tyme bygane.

7. *Anent quhitred eraw corbie and earne.*—Item It is statut and ordanit be the advyse foirsaid with consent of the ministrie that everie bound bailyie minister and gentilman sall present this nixt yeir allanerlie to the heid court the first tysday of August aither the heid of ane quhytred craw corbie or earn or ony of the fowlis egis in maner efter devydit, viz. ilk bound ane heid or ege or the soume of xij ʃ money Ilk minister thrie heidis or thre egis or the soume of xxxvj ʃ money Ilk gentlemane four heidis or four egis or the soume of xlviij ʃ money And ilk bailie sax heidis or sax egis or the soume of iij ℔ xij ʃ money And that the names of the parochineris be inrollit be the baillies and the heidis or egis to be inbrocht be thame conforme to this present act.

8. *Contra Repaireris to Brassay.*—Item It is statut and ordanit that in all tyme cuming no persones or persone sall repair to the sound nor Isle of Brassay for furnishing of beir viveris and uther necessaris to the Hollanderis and utheris foirrennaris committing thairby villanie fornicatioun and adultrie under the paine of tuentie pundis *toties quoties* as

they sall happin to be challengeit And that the awneris of the ground sall dimolishe all houssis bigit nor sall suffer nane to be bigit nor mak recidence thair to the effect foirsaid under the lyk paine of xx lib.

9. *Anent the Holmes.*—Item It is statut and ordanit that gif it salhappin ony man to be tryit or fund in ane uther manis holme be day or nycht upoun quhatsumever pretext without licence of the owner and speciallie in the holmes now pertening to the Kingis Majestie without licence of the keipers therof he salbe haldin for the first falt to pay the soume of x li and for the secund the soume of xx li and for the thrid he salbe haldin reput and punishit as a commoune theiff.

10. *Anent gude nychtbourheid.*—It is statut and ordanit that gude nychtbourheid be keipit amangis nychtbouris in ilk parochin in all tyme cuming in bigging of ther dykis yeirlie and putting of the swyne to the hill before the fyftein day of Aprile keiping and hirding of the sheip befoir the said day And in keiping of the nolt horse and uther bestiall afoir the first day of Maij under the paine of xl s money to be payit to the Shiref or his deputtis And incais of contravening and breking heirof sa that nychtbouris be dampnyfyit and hurt be utheris in nocht tymous dyking keiping and hirding as is abonewrittin In that cais the contravenaris to pay to the partie interest and skaythit as followis To wit befoir Lambas sall pay for ilk sheip tua s for ilk suyne x s and for ilk hors meir or nolt four s *toties quoties* And efter Lambas sall pay the double of ilk pane *toties quoties* as they or ony of thame sall happin to be within dykis and lawfullie tryit before the baillie of the parochin to have bein in thair nychtbouris skayth the dykis alwayis being maid lawfull and sufficient Lykas immediatlie efter the tryell of the said baillie It salbe lesum to him to poynd and uplift the saidis paines And that by and attour the comprysing of the said skaith and payment of the samen conforme to the daylie practique observit in sick caisis.

11. *Anent sheip doggis.*—Item It is statut and ordanit that it sall nocht be lesum to ony man to keip sheip doggis bot sick persones as salbe approven and allowit be the bailye and parochinaris quhais names ar tain up in ilk parochin alreddie And for the quhilk doggis thay salbe haldin to ansuer under the paine of x ℔ by the payment of the loissis and to be done be thame conforme to the law and practique.

12. *Anent grindis and yettis.*—Item It is statut and ordanit that all grindis and yettis in all hie wayis salbe cloisit be all passingeris that enteris therby in sick sort as they opin the saidis grindis and yettis Thay salbe haldin incontinentlie to cloise the same agane under the paine of xl s *toties quoties* And that no comone grindis nor yettis be stopit or cloisit up that hes bein of auld and yit necessar and neidfull to be under the paine of x lib.

13. *Anent going throuch thair nychtbouris scattell.*—Item It is statut and ordanit that it sall not be lesum to ony persone or persones at ony tyme of day bot especiallie afoir the sune rysing and efter the sune setting to go throuch his nychtbouris scattell or comontie with ane scheip dog Except he be accompanyed with ane or twa nychtbouris famous honest men And gif he be fund contrar to the tenour heirof he salbe haldin to pay for the first falt the sowme of vj ℔ money and the dog to be hangit And it nocht to be lesum to him to have ane scheip dog thairefter under the paine of four angellis And gif he be fund the secund tyme nocht accompanyit as said is he sall pay sax angellis And gif the thrid tyme or gif he salbe fund under cloud of nycht beand ony wayis suspect the samen beand proven he salbe reput and haldin ane and punishit as ane comone theiff.

14. *Anent ranselling.*—Item It is statut and ordaneit for eschewing and tryell of thift in tyme cuming that it salbe lesum to the partie

interest with the baillie or officiar of the parochin or tua or thrie honest men to be chosen be thame to ransell seik and searche all houssis and suspect places within the samen And incais of nocht finding or suspicioun to pas to the nixt parochin or beyound the same And ordanes the bailie of ilk parochin or officiar to concur with the partie interest in maner foirsaid for apprehending thairof as they will eschew to be reput and haldin partakeris of the said cryme.

15. *Anent rowing of sheip.*—Item It is statut and ordanit that it sall nocht be lesum to no maner of persone nor persones to rowing ony scheip unto the tyme they be lawfullie warnit be the bailie of the parochin to ane competent day as they will eschew to be reput and haldin as theiffis and punishit conforme therto.

16. *Anent Peddereris.*—Item It is statut and ordanit that all pedderis chapmen or utheris byaris of hyddis skinnes or woll fra quhatsumever persone or persones sall cum to the baillie of the parochin or to tua famous and honest nychtbouris within the boundis quhair they sal happin to buy the same and shaw to him or thame the hydis skines or woll And fra quhome they coft the samen Lykas the seller salbe haldin to do the samen Or incais aither the buyer or seller refuise to give thair aithis of veritie to the bailyie of the parochin being requyrit be him to that effect It salbe lesum to the said bailyie to confiscat the saidis guidis to the shireffis use.

17. *Anent Fleschcouris.*—Item It sall nocht be lesum to no fleshouris nor na utheris byaris nor slayeris of fleshe to sell to na inhabitant within the contrie nor outwith the samen the saidis fleshis unto the tyme they cum to the Bailie or tua honest nychtbouris and shaw thame the beast the merk And the manes name fra quhome they coft the samen quha salbe haldin to comitt the byaris name in wryt together with the

beast and merk therof And fra quhom and at quhat tyme the samen wes bocht as the slayeris and sellaris of the bestiall will eshew to be reput and haldin as stellaris therof and punished thairfor as accordis.

18. *Anent transporting of Servandis.*—Item It is statut and ordanit In respect of the scarcitie of servandis to labour the ground and the punishment of theiffis and utheris malefactouris That na maister skiper nor ony of the acquippadge of ony bark boat crear or ship sall transport ony bound manes servant or boy furth of the contrey without licence of the schireff or in his absens without ane sufficient testimoniell of the minister and bailie and thrie or four honest famous men of the parochin within the quhilk he or they sall happin to duell for the tyme under the paine of j^{c} lib.

19. *Anent hyring of Servandis.*—Item It is statut and ordanit that nane fie hyre nor conduce ane utheris manis servand except they be dischairgit be the maister or that they have dischairgit ther maisteris lawfullie fourtie dayis befoir ane lawfull terme Nor that nather gentlemanis boundis man nor na uther receave ony sick persones nor give thame hospitalitie nor intertenement nor yit set to thame housis nor receave support nor suplie ony vagaboundis idle men nor unlawfull wemen wnder the pane of x li *toties quoties.*

20. *That na man by nor sell with ane uther manis servand.*—Item It is statut and ordanit that na man seduce by bargane nor sell with ane uther manes servand by the knawledge of his maister as they will eschew to be punishit as receptaris of thift And it being tryit the geir to be restorit to the rycht awner but repayment of the prices therof.

21. *Anent ryding of uther menis horsis &c.*—Item It is statut and ordanit that quhatsumevir persone salbe apprehendit or tryit to have

riddin ane uther manes hors without licence within the parochin quhair the awner of the horse duellis sall pay to the scheriff four merkis scottis money And to the partie interest the soume of uther four merkis And if he be fund and apprehendit ryding ane uther manes horse outwith the parochin quhair the awner of the horse duellis salbe haldin to pay the double of the said paine And forder according to the distance of place from the parochin out of the quhilk the said horse salbe takin sall triple quadruple and augment the said paine effeirand to the seuerall parochines quherthrow they sall happin to ryd the said horse And Lykwayis it sall nocht be lesum to ony man to cut or steill ane uther manes horsis taill under the paine of x ℔i And gif the rydearis cuttaris or steillaris forsaid sall have no moyane to satisfie the saidis penalties proportionallie as abonewrittin they to be punishit in ther persone effeirand to the deid and offence at the discretioun of the Judge.

22. *Anent boitis hyris.*—Item It is statut and ordanit with advyse and consent foirsaid That all men be sufficientlie provydit in boitis for serveing of his Majesteis leiges in ther lawfull and necessar adois upoun thair ressonabill chairgis for payment of sick competent fraucht as efter followis under the paine of x ℔i To wit at Bruna sound ij ℥ From Vnst of Gudshyre in Zell or Fetlar or ather of thame 4 ℥ From Vnst to Reafirth in Zell sex ℥ Frome Reafirth to Setlar four ℥ Fra Lunafirth aucht ℥ For Zell sound to Biga four ℥ Zell sound to Northmavin aucht ℥ Fra Glus to Caldback fyve ℥ Fra Bræ to Aith aucht ℥ Papa sound ij ℥ Fra Bigsetter to Skalloway xij ℥ the ferrie at the kirk of Wiesdaill tuelf pennyes Fra Skalloway bankis to Mawick tuelf ℥ Fra Mawick or fra Skalloway to Hous sex ℥ Brassasound tua ℥ Quhailsay sound sex ℥ And fra Wassie to Glames to Laxfurde thrie ℥ Lykas it salbe lesum to all sick persones as hes boitis and nocht servandis to serve the liegis To charge sick nychtbouris as may convenientlie to serve upoun ressonabill daill of fraucht under the pane of xl ℥ And In cais of wilfull re-

fusall of the boitsman It salbe lesum to the passinger or passingeris to tak the boitis for the transporting but danger of spulzie The passingeris alwayis at thair landing placeing the boit saiflie And this but prejudice of that service dew to Schireff Commisser or ther servandis and utheris his Majesteis Commissioneris And but prejudice of dew and thankfull service in transporting of the Ministerie ouer the foirsaidis ferries and vtheris necessar sound or vois for serveing of the cures conforme to the lovable custome observeit in tymes bygane.

23. *Aganes conceilling of thift &c.*—Item It is statut and ordanit that na persone nor persones of no rank qualitie nor degrie sall hyde nor conceill ony kynd of thift sorcerie nor witcheraft bluid wrang injurie roberrie nor oppressioun wrak or ony kynd of waith Bot sall impart shaw and delait the same to thar Bailies or to the Sheriff deput as they will eshew to be reput and haldin as partakeris therof and punishit therfor conforme to the lawis and practique of this realme.

24. *Contra Bailies oppressoris.*—And finallie It is statut and ordanit be the said Sheriff that the bailyeis of ilk parochin sall mak publicatioun heirof in ther paroche kirkis quherby nane pretend ignorance of the premissis And that they sall put the saidis actis and euerie ane of thame to dew executioun In the haill heidis articles and claussis therof ffor mantenance of Goddis worship the reverend obedience of his Majesteis most royall and supreme auctoritie and lawis And for the peax and guid of the Inhabitantis of the land And incais it sall happin the saidis baillies or ony of thame to be tryit and fund to have oppressit or wrangit ony persone or persones within thair bailyearie by exacting of unlawfull services feastis or bankquettis or be taking of buddis or brybis for perverting of justice Or in ony sort in oppressing the pure or doing of ony uther deid of the lyk nature and qualitie contrar to equitie and reassoun In that caise he salbe haldin to repair the wrangis at the sicht and

discretioun of the Shireff deput and salbe estimat unworthie to bear office or credite in tyme cuming And that by and attour the dew punishment to be inflictit upon thame according to the demerite of the fact.

7 *November* 1615.

Curia Capitalis vicecomitatus de Orknay et Zetland tenta apud Kirkwall in nova domo prope palatium de Yeardis ibidem per honorabiles viros viz Henricum Stewart de Carlougie et Magistrum Colinum Levingstoun vicecomites deputatos dicti vicecomitatus septimo die mensis Novembris anno domini Millesimo sexcentesimo decimo quinto.

Curia tenta et legittime affirmata.

Anent the preamble and caus of the Actis following.—The quhilk day Forsameikle as sinne and iniquitie is and hes bein the caus of Godis heavie plaigues and judgmentis and the caus of great desolatioun in kirk and policie within this cuntrey for laik of discipline and putting of the actis of the kirk quhilk hes bein meikle compleinit in tymes past to dew executioun And siclyk that thair hes bein great ignorans of his sacred Maiesties royall and supreme authoritie in practising of forren and uncouth lawis contrair to the Actis of parliament and secreit counsall maid thairanent And likewayes that thair hes bein great desolatioun in the commoun weill truble dissordour injuries and wrangis amongst the inhabitantis of the land for laik of government administratioun of justice and putting of the samen to dew executioun THAIRFOIR it is statut and ordanit be the saidis shirref deputis with advys and consent of the gentilmen suitteris of court and commounis All with ane advys consent and assent as efter followis.

1. *Anent the putting of the Actis of the kirk to executioune.*—In the first It is statut and ordanit for punishing of sinne and vyce that the actis of the kirk maid and to be maid be the Ministerie and thair sessioun of kirk aganes transgressouris and sinneris be put to dew executioun with all rigour in example of utheris to do the lyk And to this effect that the baillie of ilk parochin and his officar concur and assist thair Ministeris clderis and thair officaris in putting of all such actis and statutes maid or to be maid in thair sessioun of kirk to dew executioun as said is for manteinance of Godis worship keeping of the Sondayis suppressing of all idolatrie speciallie of walkis and pilgramages and all vtheris vyces and punishing of persones refractarie and dissobedient to thair discipline under the pain of depriuation and payment of fourtie punds to be employed *ad pios usus.*

2. *Anent the obedience to his Majestie and lawis and provision for Armour.*—Item It is statut and ordanit that all manner of persones of quhatsumever rank qualitie and degrie sall honor thair dreid Souerane the Kingis Majestie and submit thame selfis with all reverence to his authoritie in obeying his lawis disclameing and renunceing all forren lawis actis statutis and constitutiounis quhatsumever observit heirtofoir under the panis conteinit in the actis of parliament and most honorabill privie counsall maid thairanent And that all men according to thair rank and degrie provyd thameselfis of sufficient armour according to thair estait and be in redines to serve his Majestie and deputtis present or that salbe for the tyme for suppressing and withstanding the incursiounes of pirrotis and utheris tumultuous persones as they wilbe ansuerable upon thair hiest perrell.

3. *Anent the cairfull directing of the Corse.*—Item it is statut and ordanit to the effect foirsaid that ilk hous and familie sall carefullie and diligentlie direct the corse according to the order and custome to his nixt nichtbour

with ane sufficient bearer for admonishing the people ather to convein to kirk to preaching and prayeris or for his Majesties service and sick uther necessar causis as salbe thocht expedient be the Minister shirreffis and justiciaris or thair baillies and sall not stay nor lay doun the samen bot direct it with all diligence upon the recept thairoff under the pain of sax pundis money *toties quoties.*

4. *Anent the marking of Pundleris and Bismeris.*—Item it is statute and ordainit that all pundleris and bismeris be markit with his Maiesties mark betwix and the day of nixtocum under the pain of ten punds for the first fault and doubling of the said pain sa oft as they sall happin to transgres thairefter and that by and attour the act of parliament maid thairanent and paines conteinit thairintill and punishment to be inflictit upon the contraveineris thairof conforme thairto.

5. *Anent the weicht of Caschies.*—Item it is statut and ordainit that na caschies be hevier than ane half setting weicht conforme to the old statutes maid thairanent under the pain of ffourtie shillingis for the first fault and doubling thairof for the second fault and confiscatioun of the victuall conteinit thairintill for the thrid fault And that by and attour the punishment of thair persones at the will of the Judge.

6. *Anent guid Nichtbourhead.*—Item it is statute and ordanit that guid nichtbourhead be keipit amangst nichtbouris in ilk parochin in all tyme cumming in bigging of thair dykis geirlie and putting of thair swyne to the hill befoir the fyftein day of Apryle keiping and hirding of thair sheip befoir the said day and keiping of thair horsis nolt and vther bestiall befoir the first day of May under the pain of fourtie shillingis monie to be payit to the Shirreff or his deputtis And incais of contraveining and breking heirof so that nichtbouris be dampnyfied and hurt be utheris in not tymous dyking and hirding as is abonewretin In that

cais the contraveineris to pay to the partie interest and skaithit as followis To wit befoir Lambes sall pay for ilk sheip tua shillingis for ilk swyne ten shillingis for ilk horse meir and nolt four shillingis *toties quoties* and efter Lambes sall pay the double of ilk pain *toties quoties* as they or ony of them sallhappin to be fundin within dykis and laufullie tryit be the baillie of the parochin to have bein in thair nichtbouris skaith the dykis alwayes being maid lawfull and sufficient Lykas immediatlie efter the tryell of the said baillie it sall be lesum to him to poynd and uplift the saids pains and that by and attour the comprysing of the skaith and payment of the samen conforme to the daylie practique observit in sick caisis.

7. *Anent commoune Grinds and Cloising thairof.*—Item it is statute and ordanit that all grinds and yettis on all wayes salbe cloiset be all passingeris that enteris thairby in sik soirt as they opin the saids grinds and yettis they salbe haldin incontinentlie to cloise the samen agane vnder the pain of fourtie shillingis *toties quoties* And no commoune grindis nor yettis to be stopped nor cloisit vp that hes bein of auld and yit necessar and neidfull to be under the pain of ten pundis.

8. *Anent fieing of uther menis Servandis.*—Item it is statute and ordanit that it sall not be lesum to ony persone or persones to fie hyir nor conduce ane other manis servand except that they be dischargit be thair Maister or that they dischairge thair masteris lauchfullie fourtie dayis befoir ane laufull terme And that nayther gentilmen boundmen nor na uther resave ony sik persones nor give thame hospitalitie nor interteneing nor yit set to thame housis nor resave suppoirt nor supplie ony vagaboundis idle men or vnlaufull weemen vnder the pain of ten punds *toties quoties.*

9. *Anent rancelling for Thift.*—Item it is statute and ordanit for eschew-

ing and tryell of thift in tyme cumming that it salbe lesum to the pairtie interest with the baillie or officiar of thair parochin or tua or thrie honest men to be chosin be him to rancell search and seik all housis and suspectit places within the samen And if neid be incais of suspicioun to pas to the nixt parochin beyond the samen And to this effect ordanes the baillie of ilk parochin or officiar to concur with the pairtie interest in maner foirsaid for apprehending thairof as they will eschew to be reputt and haldin as partakeris of the said cryme.

10. *Anent the Ryderis of uther mens horssis and cutting of the taillis thairof.*—Item it is statute and ordanit that quhatsumevir persone salbe apprehendit or tryit to have riddin ane uther manis hors without licence of the awner inwith the parochin quhair the awner of the hors duellis sall pay to the shirreff or his deput the sowme of sax punds and to the pairtie interest the sowme of uther sex pundis And if he be fund outwith the parochin quhair the awner duellis sall pay the double of the said pain And forder according to the distance from the parochin out of the quhilk the said hors salbe takin sall triple quadruple and augment the said pain effeirand to the seuerall parochines quairthrow they sall happin to ryd the said hors Lykwayis it sall not be lesum to ony person to cut or steall ane uther manis horstaill vnder the pain of ten punds And if the rydaris stellaris and cuttaris foirsaid sall haue na moyen to satisfie the said penalties proportiounallie as is abonewrittin they to be punishit in thair persone effeirand to the deid and offence at the discretioun of the Judge.

11. *Anent buying and selling with uther menis Servandis.*—Item it is statutit and ordanit that na man seduce by bargane nor sell with ane uther manis servand by the knawledge of his master as they will eshew to be punishit as resetteris of thift And it beand tryit the geir to be restorit to the richt awner but repayment of the pryce thairof or thingis resaueit for the samen.

12. *Anent slaying and selling of Flesche.*—Item it is statuit and ordanit that na fleshers nor utheris buyeris and slayeris of flesh sall sell to na inhabitant within the toun nor outwith the samen the said fleshis untill the tyme they cum to the baillie of the quarter and shew him the beist the mark and the manis name fra quham they coft the samen quha salbe haldin to give up the buyaris name in wreit together with the beast and mark thairof and fra quhom and at what tyme the samen wes coft as the slayeris and selleris of the said bestiall will eshew to be reput haldin and punishit as steilleris thairof.

13. *Anent sluggish and idle persones quha under cullar of merchandice committis thift.*—Item fforsameikle as thair is many inconstant sluggish and idle persones quha leaveing service gives themselffis to traffik and play the merchand and attends the repairing of shipps and straingeris to reidis and usuall places and resoirtis and gois on shipbuird under cloud of nicht or priuatlie vnder cullour of buying and selling of merchandice or guids under the pretext quhairof they pyk and steallis baith fra the cuntrey people to sell to thame and fra thame to sell to the cuntrey people For remeid quhairof it is statuit and ordanit that na sik persone nor persones sall hant traffique or repair on shipbuird of ony strainger or dogger for buying or selling of merchandice or guids under whatsumeuer cullor or pretext bot sik as salbe allowit and approvin of the baillie of the parochin quhairin they duell And for quhom the said baillie or ane or tua speciall honest men of the parochin salbe ansuerable under the pain of fourtie shillingis and warding of thair persones for the first fault and doubling of the said pain for the second fault And sa furth tripling and quadrupling the said pain and punishment sa oft as they sall happin to cum in the contrair heirof.

14. *Anent the resoirt of Beggaris and Forreneris to Zetland &c.*—Item fforsameikle as it is hevilie compleinit by the inhabitantis of Zetland of

the great resoirt and repair pairtlie of sturdie beggeris and pairtlie of puir vagabounds from Orkney Caithnes and uther forren places quha sorns beggis and overlayis the cuntrey begging pyking steilling and oppressing the inhabitantis thairof Thairfoir it is statute and ordanit that na master of ship bark boatt nor crear transport ony sik persones nor na utheris quha under cullor and pretext to pley the merchand intends to resoirt to the said cuntre to buy the commodities thairof in prejudice of the payment of his Majesties rentis but ane sufficient testimoniall or warrand of the Shirreff or his deputtis grantit and haid to that effect vnder the pain of tuentie pundis money.

15. *Anent the disponing of the commodities of the Cuntrey.*—Item fforsameikle as his Majesties Chalmerlanes ar meikle interest and prejudgit yeirlie be the tennentis takismen and utheris addebtit in the yeirlie payment of the fruittis rentis and dewties dew to be payit be thame be selling of thair bestiall butter vlie and victuall befoir the saids chalmerlanes be satisfeit and payit Thairfoir it is statute and ordanit that na sik persone nor persones sall sell annalie dispone nor put away [any bestiall butter or vlie before S^t^ Androis day] yeirlie nor ony victuall beir malt or meall quhill the feast of Lambes yeirlie that his Maiestics rentis be satisfyit and payit vnder the pain of xl lib and that by and attour the deirest prices and hiest fier that can be exactit of thame be law (except the toun of Kirkwall) or that ane licence be grantit vpon ressonabill cause.

16. *Anent the resoirt of uncouth Beggaris.*—Item fforsameikle as thair is great repair of puir straingeris idle and vagabound persones that overlayis the cuntrey quha hes not bein borne nor brocht vp within the cuntrey contrair to the tenor of the lovable lawis maid thairanent Thairfoir it is statute and ordanit that na man suppoirt supplie nor interteine the saids persones nor grant hospitalitie vnto thame vnder the pain of

fourtie shillingis And siclyk that na man transpoirt nor bring in the cuntrey ony sik persones in tyme cumming under the lyk pain of fourtie shillingis And that conforme to the saids actis the saids persones and euerie ane of thame may repair to thair awin cuntrey and parochines And that euerie parochin interteine supplie and sustein thair awin puir according to the will and meaning thairof in all poyntis And incais ony sik persone salbe fund in going heirefter outwith thair saidis parochines that it salbe lesum to the finder and apprehender to present thame to the baillie of the parochin to be punishit as idle vagabounds in the joggis or stokis And gif the baillie sall absent himself or refuse to caus punish thame conforme to the premisis or to present him to the Shirreff or his deputtis present or that sall happin to be for the tyme he salbe haldin to pay to the Shirreff or his deputtis the soum of tuentie pundis.

17. *Anent the conceilling of sinne.*—Item it is statute and ordanit that na persone or persones of na rank qualitie nor degrie sall hyd nor conceill ony kynd of thift sorcerie nor witchcraft bluid wrang injurie roberie nor oppressioun wraik or wraith bot sall impairt shaw and delait the samen to thair baillies or to the shirreff deput as they will eshew to be haldin and reput as pertaikeris thairof and punishit thairfoir conforme to the lawis and practique of this realme.

18. *Anent the putting of the foirsaids actis to executioun.*—And finallie it is statute and ordaneit be the said shirreff deputtis that the baillie of ilk parochin sall mak publicatioun heirof at thair paroch kirk quhairby nane pretend ignorance of the premisis And that they sall put the saids actis and euerie ane of thame to dew execution in the haill articles and clausis thairof for manteinance of Goddis worship the reverend obedience of his Majesties most royall and supreime authoritie and lawis and for the peace and guid of the inhabitantis of the land And incais it salhappin the saids baillies or ony of thame to be tryit or found to have oppressit

or wrangit ony persone or persones within thair baillierie be exaeting of unlawfull service or be taking of buddes or brybes for perverting of justice or in ony soirt in oppressing the puir or doing of ony uther deid of the lyk nature and qualitie contrair to equitie and resoun In that cais they salbe haldin to repair the wrangis at the sicht of the Shirref deput and salbe estemit to be unworthie to beir office or credit in tyme cuming and that by and attour the dew punishment to be inflictit to thame aecording to the demerit of the fault.

Curia Justiciariæ Vicecomitatus de Orknay tenta apud Kirkwall in nova domo prope Palatium de Yeardis ibidem per honorabilem virum Henricum Stewart de Carlougie Justiciarium ac Vicecomitem deputatum dicti Vicecomitatus die duodecimo Martii 1616.

Curia tenta et legitime affirmata.

Elspeth Reoch tried for Witchcraft.—The quhilk day anent the dittay criminall gevin in and persewit at the instance of Robert Coltart procurator fiseal of the said sheriffdom Aganes Elspeth Reoch doehter to umquhill Donald Reoch sumtyme pyper to the Earle of Cathnes ffor certane poyntis of dittay of witchcraft underwritten That is to say In the first for airt part using committing and practising of the abominable and divilesch cryme of witchcraft in giveing ear and credite to the Illusiounes of the Devell Quharby scho fenyeit hirselff dumb And illudit and deceaveit his Majesteis subjectis in maner underwritten viz In the first for that sho confest that quhen shoe wes ane young las of tuelf yeiris of age or therby and haid wandereit out of Cathnes quher sho wes borne to Lochquhaber ye eam to Allane M'Keldowies wyfe

quha wes your ant And haveing remaneit with her be the space of aucht weekes quho duelt with hir husband in a Loch That she upon ane day being out of the loch in the contrey and returning and being at the Loch syd awaiting quhen the boit sould fetch hir in That thair cam tua men to her ane cled in blak and the uther with ane grein tartane plaid about him And that the man with the plaid said to her she wes ane prettie And he wald lerne her to ken and sie ony thing she wald desyre The uther man said she wald nocht keep counsell and foirbaid him He ansuerit he wald warrand hir And she being desyrous to knaw said how could she ken that And he said Tak ane eg and rost it And tak the sweit of it thre Sondayis And with onwashin handis wash her eyes quhairby she sould sie and knaw ony thing she desyrit And to persuade hir he directit her to ane aunttis hous of hir awin quha wes ane widow that haid ane oy that wes with chyld to ane uther wyffis husband onknawen to ony And quhen she cam she sould luik in hir face and tell hir she is with bairne to ane uther wyfes husband And sa within a short space therefter going to hir Aunttis hous how sone she saw the young woman she said she wes with bairne as the man had said to hir And shoe denying said to hir she wald repent it within a short space Thairefter the young woman considering that she knew hir estait desyrit sum cure at hir that she micht part with bairne Quha ansuerit she could give her nane Bot remembering that she wes cum in to Allane McKeldowies hous that day that the tua men came to hir That he haveing speirit at her quhat men thois wer that wer with hir at the Loch syd And quhat they haid said to her And she denying he foirbaid you to fear For they wer freindis of his quha wald do hir no hurt And that he knew quhat they said to hir So she remembring that Allane had skill she said to the young woman that he wald help hir Quherupoun she and she gaid together to the Loch And spak with him quha refusit to give hir ony thing to slay the bairne And thairefter within tua yeir she bure her first bairne quhilk wes gottin be ane James

Mitchaell at the kirk of Murthlie upoun Spey within Balveny And being delyverit in hir sisteris hous the blak man cam to her that first came to hir at Lochquhaber And callit him selff ane farie man quha wes sumtyme her kinsman callit Johne Stewart quha wes slane be M^c^Ky at the doun going of the soone And therfor nather deid nor leiving bot wald ever go betuix the heaven and the earth quha delt with you tua nychtis and wald never let her sleip persuading hir to let him ly with hir wald give yow a guidly fe And to be dum for haveing teacheit hir to sie and ken ony thing she desyrit He said that gif she spak gentlemen wald trouble hir and gar hir give reassounes for hir doings Quhairupoun she mycht be challengeit and hurt And upoun the thrid nycht that he com to hir she being asleip and laid his hand upoun hir breist and walknit her And thairefter semeit to ly with her And upoun the morrow she haid na power of hir toung nor could nocht speik quhairthrow hir brother dang hir with ane branks quhill she bled becaus she wald nocht speik and pat ane bow string about hir head to gar her speik And thairefter tuik her three severall tymes Sondayis to the kirk and prayit for hir Fra the quhilk tyme she still continewit dumb going about and deceaveing the people Synding telling and foir shawing thame quhat they had done and quhat they sould do And that be the secund sicht grantit to hir in maner foirsaid She saw Robert Stewart sone naturall to umquhill Patrik sumtyme earl of Orkney with Patrik Traill to quhom she was with bairne and certane utheris with towis about thair craigis in Edmond Callendaris hous at ther efternoones drink befoir the Earl of Caithnes cuming to the cuntrey And that be plucking of the herb callit Merefow quhilk causis the nose bleid He haid taucht hir to tell quhatsoever sould be speirit at hir Be sitting on hir rycht knie and pulling and pilling it betuix hir mid finger and thumb And saying of *In nomine patris filii et spiritus sancti* be vertue quherof sche haweit ane bairne to Magnus Sinclair in Sorne at the desyre of his wyf At quhilk tyme on yule day she confest the devell

quhilk she callis the farie man lay with hir At quhilk tyme he bade hir leave Orkney and go home to her awin contrey becaus this countrey wes Priestgone quhilk he exponit that ther wes our mony Ministeris in it And gif she taryit she wald be hurt And forder for airt part useing hanting and conversing with the Devell at diverse and sindrie tymes and at severall partis &c &c as at mair lenth is contenit in the saidis dittayis The said procuratour fiscall being personally present and the said defendar being lykwayis personalie present quha enterit on pannall haveing no lawfull caus quhy she sould nocht pas to the knawledge of ane assyse Quhairupoun the procuratour fiscall desyring the dittay is to be put to the knawledge of ane assyse and the pannall to be accusit therupoun Efter accusatioun the said Elspeth confest the haill poyntis of dittay abonewrittin And therfor the Judge remittit the dittayis to the knawledge of ane assyse quham he ordanit to be callit.

Nomina Assisæ.

Mr Robert Henderson of Holland
Mitchaell Balfour of Garth
James Hendersone
Thomas Knychtsone
David Moncreiff merchand
Patrik Vans merchand
Magnus Craigie merchand
John Sinclair merchand
Jerome Chalmeris skiper
William Carmichaell merchand
William Bannatyne of Gairsay
Robert Sinclair merchand
Mitchaell Chalmeris merchand
Dauid Ker Kirknes cordiner
James Deldall merchand
Patrik Cromertie meriner

Quhilk persones of assyse being receaveit admittit and sworne but lawfull objectioun of the pannall and removeit out of Judgement nominat

and ellectit William Bannatyne of Gairsay chancellar And efter dew deliberatioun haid anent the dittayis produceit and haill poyntis therof And reentering on judgement agane the haill assyse be the mouth of the said chancellar fyllit the said Elspeth of the haill poyntis of dittay abonespecifeit And remittit sentence to the Judge and dome to the Dempster Quhilk deliberatioun the Judge than present acceptit And decernit and ordanit the said Elspeth Reoch to be tane be the lockmane to the place of execution betuix and thrie efter none and to be wirryet at ane staik quhill she be deid And therefter to be burnt in assis Quhilk the Dempster gave for dome.

. . . . . .

Apud castrum de Scallaway bankis Penultimo Julij 1616.

Act anent the tyme of the Heid Court.—The quhilk day The said Shiref deput with consent of the haill gentlemen sutteris of Court comountie and bailyeis Ordaines the heid court to be and begin In all tyme cuming vpoun the last Tysday of July.

Ultimo Julij 1616.

Act anent payment of the Wedmell.—The quhilk day It is statut and ordanit that the wedmell sal be payit yeirlie In tyme cuming The first day of July.

Anent slaying of the Earne.—Item It is statut and Ordanit with consent foirsaid that quhatsumeuer persone or persones sal happin to slay ane Earne and delyuer the samen to the bailzie of the parochin within the quhilk sho sal be slaine The said Bailzie sall caus the persones

Indwelleris within the scattell quharin she beis slaine To give the slayer therof ane sheip or pryce therof.

Apud Burrostow in Wallis 27 *Junij* 1617.

Act anent wyld horsis.—The quhilk day It is statute and ordanit be the said sherif deput with consent of the haill comounes convenit at the said court that ther sal be na wyld horsis keipit conforme to ane act maid of befoir and that na man sall put thair horsis without dykis uncloggit In tyme cuming fra the last day of Maij to the tyme the cornes be put in the yeard under the paine of xl ʂ *toties quoties* as thay sal be apprehendit or takin in the contrar.

Act anent poundit guidis.—Item it is statut and Ordanit that na man refuis to louse thair guidis being poyndit and lawfullie adverteised therof within sex houris therefter thaj be aduerteised And the skaith being comprysit That thay give satisfactioun And that thay suffer nocht thair guidis being adverteised as said is to stand xxiiij houris therefter under paine of v ℔ *toties quoties* And if it sal happin the saidis guidis poyndit to befall ony skayth the poynder therof to incur na danger therby.

Act contra takeris away of poundit guidis.—Item it is statut and ordanit that na man sall tak away thair guidis furth of ony manes pound the samen being lawfullie poundit privatlie or publictlie be nycht or day without leive of the pounder therof under the paine of x ℔.

Apud Scalloway bankis penultimo Julij 1617.

Act anent Drunkards.—The quhilk day It is statut and ordanit be the said sherefdeput with consent of the haill gentlemen sutteris of court

and comones convenit for the tyme That quhatsumever persone or persones beis fund drunk outwith his ludgeing In tyme of lawting sall pay the soume of vj ℔ money *toties quoties* as they sal happin to be fund so to be imployit *ad pios usus* conforme to ane act maid of befoir Quhairupoun the procurator fiscall askis actis.

Act anent the Wedmell.—The quhilk day the said sherefdeput Ratiffies with consent foirsaid the act maid of befoir in the month of August 1616 yeiris anent the payment of the wedmell yeirlie the first day of July under the paine of xij ℔ money for ilk pack therof.

Anent chapmen and pedderis.—The quhilk day forsamekle as ther is diuers and sindrie persones strangeris quha oppressis his Majesties leigis behaveing thame selues as chapmen and pedderis accompanied with thrie or four at thair backis with swordis and wappounes invasive boasting and minaceing the people and compelling thame to serve thame our ferries and exacting hospitalitie of thame per force Thairfoir it is statut and ordanit In all tyme cuming that no sik persones travell throuchout the countrey nor na part therof unto the tyme thay come to the sherefdeput for the tyme and find cautioun of thair guid behaviour towardis the leiges under the paine of xl ℔ And that nane of the Inhabitantis of the said contrey ressaue ony sick persones in thair houssis nor give thame hospitalitie nor seruice for money nor uther wayis without the shereffis testificat under the paine of x ℔.

Anent poundit guidis.—Item that na man refuis to lous thair guidis being lawfullie poundet and lawfullie aduerteised thairof within sex houris efter the said aduerteisment Bot that thay aggrie and gif satisfactioun to the partie and receave thair guidis within the said space under the paine of xl ℥ And if ony man sall deny the guidis lawfulie poundit to be thairis And thairefter the contravener be tryit sall pay the soume

of vj ℔ the ane halff to the shereff and the uther to the partie And gif ony persone or persones quhais guidis sal happin to be lawfullie poundit sall brek the said pound and privilie be day or nycht steill the saidis guidis away furth thairof without licence of the pounder In that cais the breker sall pay the soume of x ℔ the ane halff to the partie and the uther to the Judge And that by and attour the sattisfactioun of the skayth done be the guidis the samen being apprysit Quharupoun the Procurator fiscall askit actis of court.

In castro de Scalloway bankis 26 *Julij* 1620.

Ratification of the actis anent the Earne &c.—The quhilk day the said sherefdeput with consent of the haill gentlemen and sutteris of court Rattiffies the actis maid anent the ernes corbies quhittrettis and crawis and ordanes the same to stand for this yeir nixt.

Apud Kirkwall Vigesimo quarto Januarij 1623.

Act anent the Pennylandis.—The quhilk day the Shiref gentilmen and bailleis of the earldome being present for the tyme efter ane exact enumeratioun of the pennylandis within the said earldome of Orknay and collectioun of fyve schillingis for ilk penny land of the sam Fand that the fyve schillingis upliftit wald not amount the soume dew to be payit to his Majestie conforme to the actis of Parliament And thairfore all in ane voce consentit and aggreit that sex schillingis sould be upliftit of ilk penny land for this mertimes terme last bypast for supplie and satisfactioun of the first and secund termes payment And be Inbrocht and deliverit to Walter Ritchie quhill the nixt terme That ane mair strict stent be maid.

Apud Kirkwall Decimo Junii 1623.

Act anent Forstalling and Regrating.—The quhilk day the said Shireff deputtis with consent of the Provest and bailleis of this Burgh haweing consideratioun of the great povertie and necessitie of the pure anes the skairstie and want of viveris for thair intertenement And for the great abuse of foirstalling and regrating of fisches Hes statut and ordanit That no Inhabitant to brugh or land sall repair to Deirnes S^t^ Androis parochine of Holme or Paplay for buying of fisches for this present yeir under the pane of x ℔ *toties quoties* And that the saidis parechineris of Deirnes and S^t^ Androis that takis slayis and sellis fisches Sall with convenient diligens efter thay cum of the sea repair to the toun with the saidis fisches and sell thame in the mercat under the pane of x ℔ And siclyk nather pack nor peill at home under the pane of x ℔ And that thay sell nane to merchandis bot in the toun under the lyke paine Ilk persone *toties quoties* that sall happin to contravene the premissis or ony poynt abonewrittin.

Curia Capitalis vicecomitatus de Orknay et Zetland tenta apud Kirkwall in Insula vocata lie Walhous In templo Sancti Magni ibidem &c septimo et undecimo diebus mensis Novembris 1623.

Curia tenta et legittime affirmata.

Anent selling of victuall butter bear and meall and heavy Cassies.—The quhilk day the said sheriff principall with advyce and consent of the gentlemen bailyeis of parochines and suitars of court efter long delibera-

tione and good consideratione had be thame for redresse of certane enormiteis and wrongs cruppin in this countrie be iniquitie of tyme to the great prejudice of the samyne and commounweill theroff Ratifeis the generall actis maid of befoir And wills and ordanis the samyne to be putt to dew executione in all tyme comeing And in speciall ratifeis that act maid of before that nae man sall sell butter oill nor marts befoir S^t^ Androis day nor bear malt nor meall before Lambes day yeirely except to the towne of Kirkwall under the paines therintill contained Item the act maid anent Cassies that nae Cassies be heavier then half a sett in weight under the paines contained in the actis maid theranent.

Anent the selling of wyne.—Item it is statut and ordanit be the Shereff with advyce and consent forsaidis that in tyme coming no sort of wyne sall be sold of ane greater pryce nor they sell the samyn in the brugh of Edinburgh under the pane of xl lib *toties quoties.*

Anent selling of Ale.—Item it is statut and ordanit with advyce and consent forsaid that nae ale be sold to ane higher pryce then vj d the pynt of xl s malt vij d the pynt of iij lib malt and 10 d the pynt of iiij lib malt xii d the pynt of v lib malt xiiij d the pynt of vj lib malt and sua furth accordinglie under the paine of xl s *toties quoties.*

Anent hunting in uther mens lynkis and holms.—Item Forsamekle as ther is ane gret abuse in hunting shooting and delving in uther mens lynks and holmis contraire to the acts of Parliament and divers loveable lawis maid of before Therfor it is statut and ordanit be the said shereff with advyce and consent forsaid that nae man hunt with doggis nor nettis nor shutt in uther mens links nor holmes in tyme coming under the paine of xl lib nor delve in the saids links nor holmis nor repair to the saids holmis without leave of the owner under the paine of xl s *toties quoties.*

Anent the selling of fisches.—Item it is statut and ordanit be the said shereff with advyce and consent forsaid That nae man sall sell fishes to strangers or pakers or peillers of fisches within this countrie or outwith the samen to be sold againe fra the first of Februar to the last day of May yearlie under the paine of x ℔ and frae that furth that they preferre ther nighbouris and sell thair saids fishes to the countrie people for that necessitie and Intertainment before strangers give they require the same under the lyk paine.

Anent selling of butter and utheris be way of regratting.—Item it is statut and ordanit be the shereff with advice and consent forsaid for restraining of regrating that nane buy martis fishes oill butter victuall nor noe sort of vivers at the toun reod nor towne head of Kirkwall nor upon the shore theroff nor within the toun to sell again for ther privie gaine unbrought be any man to be sauld within the toun but bring the samen to the mercatt as they will eschew to be challenged as regrators and punissed therfor conforme to the lawis daylie practised and actis of Parliament maid theranent.

Anent the cutting of bent and slos.—Item it is statut and ordanit be the Shereff with advyce and consent forsaid that nae persone nor persones sall cutt bent nor pull slos in tyme cuming before the feist of Lambemes yeirlie under the paine of x ℔.

Anent setting of land.—Item it is statut and ordainit be the Shereff with consent and advyce forsaid that nae landed man nor boundman sall sett land frae this tyme to anie persone or persones unles they be able with thair oune goods and gear to labour in the main land and South ylles ane farthing land and in the Northyles ane penny land under the paine of xx ℔.

Anent Sheep doggis.—Item it is statut and ordanit that it sall not be leisum to keip sheip doggis but sik persones as are chosen be the bailyies and parishoners whose names ar taken up in ilk parochine already and for the quhilk they salbe holden to answere under the paine of x lib.

Anent the goeing to the hill.—Item it is statut and ordanit that it sall not be leisum to any man at any tyme of day but speciallie efter sunsetting and before sunriseing to goe through his neighbours ologange or comountie with ane sheep dogge except he be accompanyed with tua neighbouris famous witnesses And if he be found contrair to the tennor heirof he sall be holdin to pay for his first fault xj lib and if the secund tyme xij lib and if the thrid tyme or under the cloud of night being ony way suspect he sall be reputt holden and punishit as a common theife.

Anent the rowing of sheip.—Item it is statut and ordanit that it sall not be lesum to noe maner of persone to row sheip unto the tyme they be lawfullie warnit be the baillie to a competent day as they will eschew to be reput and holdin as theiffs and punishit conforme therto.

Ultimo Maij 1625.

Anent the foull horsis in Deirnes.—The quhilk day the said Sheref depute Ratefeit the act maid be the baillie of Deirnes with consent of the parochinaris therof Anent the casting of the foull horsis of Deirnes in the . . . tyme over the craig And ordanit the sam to be put to executioun with this provisioun that It be weill knawin and tryit that the horse is foull.

Act anent the horsis of Deirnes.—Item It is statute and ordanit be the said shiref depute the said day with consent of the suitteris of court

present for the tyme that no man within the said parochin of Deirnes sould sell ony of thair horsis outwith ther parochin to ony uther man for yeir and day to cum under the pane of j^{c} merk In cais ony man will transport thame to the mercat or ony uthir part of the cuntrie unknawin to the byare.

Act anent the Claneane.—Item It is statute and ordanit be the said sherif depute of consent of the gentlemen and sutteris of court present for the tyme In consideratioun of the Clanane quha ar turnit piratis and suspect to cum in this cuntrie to burne slay and spoill the sam And for preventing of thair Invasioun That Ilk baillie within ilk parochine sall convine thair parochineris for thair better Informatioun anent the said Claneane and proclamatioun maid thairanent And sall give ordour for bigging up of all warthis and watching therat baith day and nycht quha salhaue fewall for fyre to warne the cuntrie And that ilk bound within thair severall parochines salbe in reddines convenientlie provydit in armes and sall ryse with thair said baillie for resisting the said Clanean thair complices and confederatis quhen occasioun sall offer under the paine of ten pund And that Ilk baillie appoint ane chaik watche for attending the ordinarie watche quha incais of sleiping or absens sall pay the lyk paine.

Apud Skallowaybankis in castro ibidem Septimo Novembris 1625.

Act anent the demolishing of the houssis of Lerwick.—The quhilk day S^{r} Johne Buchannane of Scottiscraig knycht justice and shereff principall of Orknay and Zetland being informit of the great abominatioun and wickednes comittit yeirlie be the Hollendaris and cuntrie people godles and prophane persones repairing to thame at the houssis of Lerwick quhilk is a desert place To the venteris of beir thair quha as ap-

peiris voyd of all feir of God and misregarding all ciuell and ecclesiasticall governement in thair drunkenes and utherwayis comittis manifest bludshed In hurting wounding and sumtyme slaying utheris and mony tymes hurting wounding trubling and abusing the cuntrie people And also in committing manifold adultrie and fornicatioun with women venteris of the said beir and utheris women evill Inclyned quha resortis thither under pretext of selling of sokis and utheris necessaris to thame And in the meantyme comittis manifest thift in stealling off purssis from the Hollenderis and sic utheris thingis as thay can lay thair hand on Quhairby enshewis great prophanes and blasphemie of the name of God by leing banning and swearing to cullour thair wickednes and falshead And In consideratioun that the brethren of the presbiterie hes meanit this great abuse prophanatioun and wickednes to him Thairfor the said shereff principall efter gud deliberatioun knawing that the houssis of Lerwick ar the retreat of thais prophane persones and the caus of thais abominable sines and wickednes and that thay ar buldit and haldun for gaine at thais evill Inclynit persones handis with consent of the maist part of the awneris of the said houssis Ordaines the said houssis to be utterlie dimolished and downe cassin to the ground be the haill awneris thairof Att the sight off Laurons Sinclair of Hous baillie at Buray and Gilberwick James Sinclair of Skalloway baillie of Tingwall James Kintore baillie of Quhytnes and Wysdaill and Laurens Gifhart baillie of Brassay betuix and the secund day of Februar nixtocum Ilk awiner under the paine of xx lib And siclyk ratifeis and approwis the generall act maid of befoir be Mr William Levingstoun lait sheref deput of Orknay and Zetland haill gentlemen and sutteris of court present for the tyme of the dait the thrid day of August 1615 yeiris Quhairby It was statute and ordanit that no persone nor persones sould resort to Brassay Sound for furnishing and wenting of beir to the Hollendaris under the paine of xx ł *toties quoties* and that the awineris of the houssis sould demolish thame and sould suffer nane to big nor mak residence thair

at ony tyme thairefter under the lyke paine with this speciall additioun that no women of quhatsumeuer rank or qualitie sall repair to the said Sound syd for selling of sockis to the said Hollendaris or bying of necessaris from thame Bot sall caus thair husband thair sones or servandis sell and buy fra thame As thay will eschew to be repute and haldin commoun and prophane adultereris and punischet thairfoir at all rigour.

Apud Kirkwall Decimo tertio Decembris 1625.

Generall Act anent the resisting of the Enimie.—The quhilk day the Bishop Shirreff bailleis and sundrie gentlemen being convenit for setting downe ordour how the enimie salbe resistit incais of ony Invasioun It is concludit and aggreit upoun That all maner of man sall convine with all possible diligence at Kirkwall in thair best array immediatlie efter as thay sall sie the warth of Weitfurdhill in fyre And thairfra to follow directioun to that pairt quhair ony Invasioun salbe And for the better effectuatting thairof It is ordanit that all maner of man that hes boittis sall haue the same in reddines sufficientlie provydit and water tight for transporting of men armes and utheris necessaris And that ilk baillie sall sie the samen done within his awin boundis And that the said bailleis with all diligens sall appoint ane place within ilk ane of thair baillliereis quhair the people sall convine that thairfra thay may resort to Kirkwall as said is And that it may be the better persaweit be the haill cuntrie quhen the warth of Weitfurdhill salbe on fyre It is ordanit that ilk baillie within his awin boundis sall appoint ane competent watche to attend thairupoun And immediatlie upoun the sycht of the fyre of Weitfurdhill to put thair warth in fyre that warneing may be gevin to the rest of the cuntrie As also it is concludit that all the bailleis salbe advertised that they inroll all maner of persones quhat wapponis thay haue and be the

advyse of some of the most discreit men of his baillierie mak ane note quhat wapponis euery man is hable to use and carie and quhat he is hable to buy.

Apud Kirkwall Octavo Novembris 1626.

Anent slaying of the earn.—The quhilk day It is statute and ordanit be the said shiref depute with consent of the gentlemen and suitteris of court being present for the tyme That quhatsumever persone or persones sall slay ane earne sall have of the baillie of the parochine quhairin It salhappin him to slay the earne viij ₰ for everie reik within the parochine Except cottaris that hes no scheip And xx ₰ to Ilk persone for Ilk earnis nest It salhappin thame to herrie And thay sall present thame to the baillie And the baillie salbe haldin to present the head of the said earne at Ilk head court.

Sexto Februarij 1628.

Ratification of the Act anent sheip doggis.—The quhilk day in presence of Mr John Dick and Robert Monteith of Egilshay Shireff deputis of Orknay with consent of the haill gentillmen and suitteris of Court and commonalitie present for the tyme Ratefeis the haill actis maid of befoir be Harie Stewart and Mr William Levingstoune Shereff deputtis for the tyme &c And in speciall that act anent keiping of sheip doggis That no man sould keip sheip doggis except thoise quha wer or sould be nominat be the Shereff or baillies of the severall parochines of the cuntrie With this additioun that no man sall keip running doggis that runnes fra hous to hous or throw the cuntrie slaeing thair nychtbouris sheip under the lyk pain contenit in the said act.

That nane row or tak sheip on Sonday.—Item it is statut and ordanit be the said Shereff deputtis with consent forsaid That no maner of persone sall row or tak sheip on Sonday under quhatsumever cullour under the pain of x ti.

Anent transporting of tannit ledder.—Item Forsamekill as it is complenit be the Inhabitantis of the cuntrie That the hydis barkit ledder and talloun ar transportit furth of the cuntrie quhairby thay cannot have shoone to serve thame thair bairnes and servandis necessities nor talloun for geveing thame lycht Thairfoir and after gude and mature deliberatioun It is statut and ordanit be the saidis shereff deputtis with consent forsaid but ony oppositioun in the contrair That no maner of persone in na tyme cuming sall transport ony barkit or tannit ledder or talloun furth of the cuntrie unto the tyme it be offerit to the shoomakeris of the toun or gif within ony parochin to the baillie quherby the cuntrie may be servit under the pane of x ti and confiscatioun of the transportit gudis.

Apud Kirkwall Septimo Februarii 1628.

Act anent Commissionaris for Parliament.—The quhilk day In ane head court haldin at Kirkwall and continewit to this day Compeirit Robert Monteith of Egilshay Shiref deput of Orknay and Zetland And conforme to the custome observit within shirefdomes desyrit Commissionaris to be chosin for Parliament and Conventiouns for that yeir The haill gentilmen and suitteris of court for the maist part being personalie present Efter gud advyse and mature deliberatioun had be thame theranent Declairit that they wer not sick persones as sould compeir in Parliament or Conventioun Seing thair was nather barroun nor burges within the said sherefdome nor men of that qualitie to chuse or mak choise of for comperanee in Parliament or Conventioun And that in

respect of thair estait and Inhabilitie being bot meane gentilmen and fermoraris Quhairupoun the said Robert Monteith of Egilschay askit actis of court and Instrumentis.

Anent Pundlaris and Bissmers.—The quhilk day the said Shereff deputis with consent forsaid Ratefeis the act maid of befoir That all pundleris and Bissmers salbe markit with the mark callit the Kingis mark under the panis contenit therintill With this additioun That everie pundlar salbe justit and maid equall with the Kingis pundlar And that nane have Bissmers nor pundlaris of greater weight under the paine of xl ℔ nor have tua stanis to ane pundlar under the lyke paine.

Apud Skallowaybankis 3 Septembris 1628.

Act anent the Ministrie of the directing of thair sentences to the Bailleis.—The quhilk day The said sheref deput with consent of the Ministrie gentilmen and sutteris of court Ratefeis the act maid the thrid day of August 1617 yeiris with this aditioun that the Ministrie direct thair sentences to the bailleis Quha sall caus the samen be put to executioun under the paine of deprivatioun And In cais of refusall the kirk officer be thair directioun to put the samen to executioun.

Act anent Justing of bismeris and utheris missouris.—The quhilk day Ratefeis the act of the dait forsaid anent Bissmeris and fals weghtis with this aditioun That William Dempster sall just the bissmeris at the baillie of the parochines sight and seall the samen ffor the quhilk the auner salbe haldin to give him the soume of tua schillingis And ane being set the baillies to tak ordour with the Justing of thame yeirlie And that the saidis baillies tak ordour yeirlie within thair seuerall parochines

with stowpis canes and utheris missouris under the paines contenit in the actis of Parliament.

Act anent corbies and earnis.—Ratefeis the act maid anent Corbeis and Earns for the space of thrie yeiris.

Act anent rowing of sheip on Sonday.—Item It is statut That nane tak . . . . . nor row sheip on Sonday under the pane of x li.

Act anent going to uther menis holmes.—Ratefeis the act maid anent going to uther mens holmes with this aditioun That the ane halff of the penaltie salbe to the delaitter and auner And the uther halff to the Shereff The said Shereff alwayes haueing the modificatioun in his will.

Act anent ryding of marchis.—It is statut That the baillie of Ilk parochin accompaniet with twelff of the honestist of the parochin sall ryd the merchis of the parochin yeirlie betuix the ffirst of October and last of Aprill And if ony wrong salbe fund that the samen salbe debeatted at the heid court quhairby ordour may be takin as effeiris under the paine of deprivatioun.

Act anent ryding and cutting of uther mens horsis taillis.—Ratefeis the act maid anent ryding of uther mens horssis and cutting of thair taillis with this aditioun That baith the ryder and cutter of the taill salbe punished as Theiffis.

Apud Kirkwall Vigesimo primo Januarij 1629.

Act anent the Incressing of Thift and Wobsteris.—The quhilk day Forsamekill as the cryme of thift daylie Incressis and hardlie can be

tryit and speciallie on the particularis following viz In the first In rowing and pulling of utheris mens sheip and stealling of ther woll Thairfoir It is statut and ordanit be the said shireff deput with consent of the haill gentilmen and suitteris of court present for the tyme that all Wobsteris both in toun and land sall twyse in the yeir To wit the first lawfull day of November and the first lawfull day of May yeirlie giff up Inventer upoun ther greit aith and conscience of all wobbis gevin in to thame and woven be thame be ony persone or persones be quhome it is gevin in And of the lenth and breid therof To the baillie of the quarter within the towne and to the baillie of the parochin outwith the toun under the paine of v li *toties quoties* That Inventar being gevin up The saidis bailleis at the first court therefter may acquaint thair parrochineris therwith And giff ony suspicioun or just caus of challenge be fund in ony persone In that cace that thay may be delaittit to the Sheref that ordour may be takin theranent as accordis of the law.

Act anent Smythis.—It is statut and ordanit be the said Shiref deput with consent forsaid That no smyth nather within the toun nor parochines sall buy ony maid wark sick as kees pleuch irones Tuskardis spaidis nor uther maid wark nor ony thing that hes bene maid work unles the seller find burch for the samen quhilk they salbe haldin to geve up in Inventar the first laufull day of November and the first laufull day of Maij yeirlie to the baillie of the quarter within the toun and to the baillie of ilk parochin within ther seuerall ylis and parochines under the pane of x li *toties quoties* That Inventar being gevin up be thame upon ther greit aith and conscience to the saidis bailleis at the first court thairefter may acquaint ther parochiners therwith And if ony suspicioun or just caus of challenge be fund in ony persone In that cace that they may be delaittit to the Sheref that ordour may be taken theranent as accords of the law.

Vigesimo tertio Januarij 1629.

Act anent electing of Commissioneris.—The quhilk day the gentilmen and suitteris of court efter lang deliberatioun haid be thame conforme to the former act acceptit upoun thame to mak chois of ane Commissioner bot becaus of the intemperancie of the wedder and greit haiszard to trawell be sea quhairthrow ane great number of the gentilmen wer absent Desyrit that the electioun mycht continew to the second day of Marche at quhilk tyme they wald convene and warne the absentis to be present for electing of ane Commissioner to pled for exemptioun.

Penultimo Januarij 1629.

Anent Members of Court.—The quhilk day Abrahame Stevensone is electit In procurator fiscall and George Anderson In Dempstar Quha acceptit the office upoun thame and maid faith and Oliver Smyth In Lockman.

Anent the ignorant contempt of Dempsteris.—The quhilk day Becaus of the ignorant contempt of Dempsteris and of ther office Thairfoir It is statut and ordanit that quhatsumever he is that reprovis or reprotches George Andersone now electit In Dempster sall pey the soume of x li *toties quoties*.

Sexto Novembris 1632.

Anent gripping of landis and guidis.—That nane grip his nightbouris landis under the paine of ten pund Item that nane grip his nightbouris

guidis under the paine of vj ti by the restitutioun of the guidis and the profeit.

Anent clenissing of houssis.—It is statut and ordanit be Mr Harie Aitken Shereff deput of Orknay with consent of the gentlemen and suittaris of court present for the tyme That no removars from housis sall dimolisch the same in haill or in pairt nor tak tymmer door windois furth thairof althogh biggit be thameselffis under the paine of twentie pundis the ane halff to the Shereff and the uther to the pairtie interest And that by and attour the reedifying of the houssis under the lyk paines.

Anent corne yairds.—Item that all men mak thair corne yaird dykis sufficient And that no corne . . . be maid for cornes aittin within yaird except to nighbouris for unmarkis dwelling in the same toun.

Anent feing of servands.—Item Ratefies the act maid anent feing of servandis and that nane ressave nor keip ane uther mans servand contenit thairintill under the paines contenit in the said act With this additioun That no man ressave ane servant out of ane uther parochine but ane testimoniall of the Minister or baillie under the lyk paine And incais servandis be fund fugitives fra thair maisteris In that caise the baillie of the parochine quhair out of he is fled sall caus him to be joggit at the kirk door upon Sunday fra aucht houris in the morning quhill twelff houris at noon And incais it sall happin sick vagabondis servandis to fie thameselfis to twa maisteris In that cais the first maister to have the service or to except the fie at his optioun And in cais it sall happin ony servand to fie thameselffis with ane new maister and not to enter to his service In that cais the detener sall pay the fie to thame quha fied him.

Apud Kirkwall undecimo Novembris 1636.

For restraneing of servantis from going out of the cuntrey.—The quhilk day Anent the supplicatioun gevin be Dauid M^c^Clelland Chalmerlane deput of Orknay To the saidis schiref deputis Quheroff the tennour followis Unto your Lordships the Shireffis and gentilmen Suittaris of court present I Dauid M^c^Clellane In name and behalff of the haill bodie of this cuntrey Schewis that thair is ane great abuse thairin be reassoun of a custome too common of servantis leaving the cuntrey and flieing away upoun schippis frequenting the coast Quherby the land is liklie to becum desolat and unmanurit throw want of servantis (sik as ther are presuming upoun thair sea trade as they call it) ar becum so Insolent that unles they haue sik conditiounis as thay require thair is no keiping nor having of thame So that it is not possibill to have the countrie againe labourit as it was of beffoir nor his Majesties dewties satisfied as they aught to doe Unles your Lordshipis and gentilmen present provyde sum tymous remeid thairto Heirfoir I in name forsaid earnestlie beseikis your Lordshipis to tak this in Consideration and to acquent his hienes Counsall thairwith that thay may meane the samyn to his Majestie Quherby this flieing away of servantis may be restrained ffor labouring up of the cuntrey that his Majesties dewties may be the better satisfied in tyme cumming and your Lordshipis ansuer as the said supplicatioun at mair lenth bearis The saidis shiref deputis findis the supplicatioun releiffand and with consent of the gentillmen present Ordaines that warrand sall be direct to the baillie of ilk paroch ffor restraineing of servantis from goeing out of the cuntrey without the testimoniall of the baillie and minister with twa or thrie eldaris under the paine of ten pundis to be poyndit of thair readiest goodis they leife behind thame or utherwayis at thair returne giff they want gudis they to be sent in to the shireff to be punisht in thair bodies And ordaines that ane suppli-

catioun be maid and direct to the Counsall for procureing ane power to restrain the shippis to intak the saidis servantis.

Act anent goeing ashipboard.—The quhilk day The Act anent going aschipboard is ratified with this additioun That be reassoun of the rumour of the plague abroid in uther cuntreyis That no man sall goe aschipboard of quhatsoever schippis frequentis the coast under the pane of cloasing up thair houssis for xx dayis and thairefter of the soume of xx li to be dewlie exacted And ordaines the samen to be published at the paroche kirkis both of the Yles and Mainland &c.

Apud Kirkwall Quarto Novembris 1640.

Act anent Servantis.—The Quhilk Day In presens of Thomas Buchanane and Maister Harie Aitkin Shiref deputis of Orkney haill gentrie and baillies of the severall parochines convenit for the tyme It is statut and ordanit In respect of the multitude of servandis that ar gone of the cuntrey That ilk parochin salbe servit be the servandis that ar within thameselffis ffor the space of ane yeir And that nane leave the parochins quhair thay presentlie dwell till the samen be sufficientlie servit at the sight of the Baillies and elderis thairof And that na servand leive thair parochinis without ane Testimoniall of the said Baillie and elderis under the paine of ten pundis to be peyit alsweill be the servand as resetter Lykas it is ordainit That the said Baillie of ilk parochin with the particular personis efter namit sall tak tryall and cognitioun within thair severall boundis how the Inhabitantis ar provydit of servandis and to tak from those that have mae nor is necessar ather thair sonnes dochteris servandis cottaris Inmen Inwemen or boyis that may be spared untill all be als equallie servit as may be The personis nominat in ilk parochin with thair Baillie ar these viz Harie Spence John Ewinsone and

David Halcro for the parochin of Sanct Olaw Edward Sinclair of Essinquoy James Baillie David Kincaid younger and David Langskaill for S^{t} Androis parochin The said Essinquoy being present Gilbert Irwing and William Paplay for Dearnes Robert Stewart of Brugh John Mowat of Burwik John Grott John Cromartie younger and John Mowat in Marsetter for the yle of Southronaldschay Thomas Sklatter James Corregill and John Tailyeour for Firth William Sklaitter and Gilbert Knarstoun James Loutit James Linklatter Robert Hey and Andro Germestoun for Harray and Stanehous David M^{c}Clellane Chalmerlane Alexander Kircum Alexander Philp John Ingsay in Bea William Johnstoun and Robert Laneskaill for the parochin of Birsay Adam Bellenden younger of Stanehous Patrick Murray Magnus Hourstoun and Edward Sinclair in Vingar for Evie Adam Bewis James Corrigill and Henrie Linklatter for Rendell Gilbert Sinclair James Traill Magnus Craigie James Hamiltoun for Rowsay Patrik Balfour Walter Sinclair John Rendell and Andro Beinstoun for Westray Thomas Traill Magnus and Oliver Hwysone for Papa Westray Edward Stewart of Brugh James and Oliver Cokis Edward Scolay Thomas Henrysone William Burgar James and John Scottis and Jerhome Fothringhame for the yle of Sanday James Maxwell of Mariekirk Malcolme Mowatt Oliver and Malcolme Feais and Oliver Rowsay for Stronsay Patrik Smyth of Braco William Sinclair of Greinwall Magnus Gareoch in Braquoy Bernard Kirkbrek in Kirkbrek and Andro Langskaill in Dewcro for the parochin of Holme Hew Sinclair of Damesay Andro Murray of Butha James Robertsone and Robert Flett for the parochin of Orphair with thair baillie James Mudie of Melsetter James Mowat in Thurso Ronald Bernardsone and Gilbert Chalmer for the yle of Wallis Hew Halcro of that Ilk Edward and Hew Mowattis for the yle of Hoy Jerhome Turlloch of Whome Edward Sinclair of Nes John Beatoun of Clouk and Magnus Broun for the parochin of Stromnes Edward Sinclair of Clumlie Patrik Miller Magnus Irwing Alexander

Linkletter of Linklatter and Hew Hourstoun for the parochin of Sandwik William Irwing of Garstae James Haddell James Irwing and Walter Haddell in Lintoun for the yle of Schapinschae Quhilkis personis with thair severall Baillies ar appoyntit to tak sik course within thair severall boundis for ordaineing fies of servandis according to the qualitie of the persoun that servis and that they exceid not use and wount within thair severall parochines or yles And the refusar of his sone dochter servand woman or man appoyntit to serve ane uther for thair necessitie ar ordanit to pey ten pundis to the shireff and xiij ℔ iiij ₰ ilk night besyd to the partie interest quhill they be servit And ordanis the said Baillie and elderis to right the complaintis of the servantis complaineing for want of peyment within the space of ane yeir The Baillies present have maid faith for doing thair dewtie in the premissis and ar appoyntit to tak the aithis of thair elderis at thair meitingis As also ordaines these to be published at the paroche kirkis.

Act contra Cordinaris.—The quhilk day The saidis shereff deputis being judiciallie convenit with the gentlemen and suitaris of Court present for the tyme And having consideratioun of the exorbitance of the pryce of Cordinaris and the dewlie complaintis and outcryis maid thairanent have for the good and profeit of the Commounwealth Statut and Ordanit That In tyme cuming the saidis Cordinaris sall mak good and sufficient work for twentie penneyis the Insche of dowbill solit shone and for xij ₰ the Insch of sufficient single solit shone And quhair bairnis dowbill solit shone have but ane seame they sall exact no more but xiiij ₰ for the Insch thairof under the paine of xl ℔ to be peyit *toties quoties* to the Shereff be the Contravenar And giff the saidis Cordinaris sall happin to be negligent of thair callingis and becum ydle so oft as they sall be so tryet they sall pey iiij ℔ And for the working of ilk hyd In the awneris hous they ar dischairgit to exact any moir nor xx ℔ with thair Intertainment Lykas all personis ar Inhibit and dischairgit

to sell any ledder out of the Cuntrey under the paine of ten pundis to be peyit *toties quoties* be the seller therof And confiscatioun of the ledder boght be the buyar to the shirreff And this is ordanit to be Intimat at all the paroch kirkis within this shirefdome.

Act contra Ferrieris.—The quhilk day It is statut and ordanit be the saidis shirefdeputis with consent of the gentlemen and suitaris of Court present for the tyme That the fraught ower Pentland ffirth in tyme comeing sall be no moir nor xlviij ʂ In ane greit boit And xxx ʂ In ane small boit ower Wattersound xij d ower Holme sound iiij ʂ ouer Rowsay sound ij ʂ Fra Rowsay to Westray xij ʂ Fra that to Papa ij ʂ Fra Westray to Eday vj ʂ Fra that to Sanday vj ʂ Fra Halknes to Houp iiij ʂ Fra Haloys to Strynie vj ʂ Fra Rothisholme to Schapinscha xiij ʂ iiij d Fra Schapinscha to Work iiij ʂ Fra Kirkwall to Elwik vj ʂ to Gairsay vj ʂ to Rendell vj ʂ to Evie x ʂ to Rowsay xij ʂ to Egilscha xij ʂ to Rapnes xl ʂ to Towquoy in a greit boit l ʂ to Spurnes in Sanday in ane greit boit l ʂ In ane small boit xxxvj ʂ To Stronsay in ane greit boit xl ʂ To Ethay xxiiij ʂ Item fra Scapa to Wallis xxiiij ʂ To S^{t} Margaretshoip xvj ʂ Fra that to Holme viij ʂ Et e contra throw all saidis ferries And the exacter of any mair sall pay the triple worth of the fraught *toties quoties*.

Apud Kirkwall vigesimo sexto Maij 1641.

Act for repairing the Brig of Waith.—The quhilk day It is statut and ordanit that for reparatioun of the brig of Waith the parochines of Stromnes Sandwik Harray Orpher and Stanehous sall be thair haill Inhabitants day about work at the said Brig and the Inhabitantis of Stromnes to enter the aucht day of Junij nixt And the rest of the saidis Inhabitantis of the uther parochines day about thereftir ilk housholder under the paine of ten schillingis And ordaines John Grahame of Breknes

and Edward Sinclair of Nes to attend the work Sandwik to work the nynt day Harray the tent Orpher the elevint and Stanehous the twelff.

Act for repairing the Brig of Scapa.—Lykas It is Statut and Ordanit that the Inhabitantis of the parochin of Sanctolla sall enter to win stanes for bigging a pend to the brig of Scapa upoun the nynt day of Junij nixtocum Ilk hous under the paine of ten Schillingis.

That warthis be furnisit.—It is ordanit that ilk bailyie sall furnis thar warthis with all diligence of all necessaris.

Act for selling of wyne.—It is statute and ordanit That all wynis sall be sauld at the pryces for the quhilkis it is sauld in Edinburgh viz ane merk for French wyne and the sek for twa merkis under the paine of twentie pundis *toties quoties*.

Apud Kirkwall Primo Junii 1642.

Act in favouris of the Procurator Fiscall.—The quhilk day the Sheref deputis ordaines Robert Tulloch Chalmerlane of the lait Bishoprik of Orkney to pay to Abraham Stevinsone Procurator fiscall of the said Sherifdome the dewtie accustumat to be payit for his service in the said office furth of the said Bishoprick quhilk is ane meill of meall yeirlie.

Apud Kirkwall de Yairds die sexto mensis Augusti 1644.

Anent conservatorie of all the precciding acts.—The quhilk day the said shereff principall remembring that the certaine tyme of the thrie yeirly head courtis not designit be ane act herto for albeit be ordinarie custome yeirly observed and considering the weill of his Majesties vas-

sellis quho are tyed to give suitt and presence at the saids head courtis if the saids meatings be particularlie enacted without alteration or change upon occasione or at pleasure of succeeding of sherreffs Thairfor it is statut and ordainit be the sherreff with consent of gentlmen and utheris of this court that the thrie yeirly head courts sall be constantly upon the thrid Thursday of January the secound Teusday of Junii and the secound Teusday of November And that thair meitings be advertisit in tyme comeing.

Anent the publication of the actis.—Item forsameikle as this present court considering the vertew and power of the generall bygone acts and statuts of this country to be most necessare and able in themselves to remend all discords injuries and wrongs that may arryse within the country and disturb the peaceable government thairoff yett conseaveing that the seldome publicatione of the samyne at heid current and bailye courts in the severall ylles and parochs hath occasioned excuses of pretendit ignorance be the transgressors thairoff and that the neglect and slouth in the executione of the saids Actis may mak them unprofitable to the country as if the samyn had never bein maid Thairfor it is statut and ordainet be the said sherreff with consent of the gentlmen and suittars of court present for the tyme that the wholl saids generall acts sall be publictly read in a solemne way be the sherreff clerk att everie head and current court yearly and imediatly efter the fensing thairoff and that every bailye in his parochine cause quarterly reid the samyne be his clerk imediatly efter the fensing of his bailye court And to this effect its ordainit that heirwith thair be receavit be every bailye ane authentick double of the saids generall actis subscribit be the sherreff clerk and quhilkis are heirby ratifiet in the haill heids articles and clauses of the samyne.

Anent examinatione of Ranselleris.—Item that the severall ranssellers in every paroch solemnly sworne upon thair great oath and putting thair

hand to the bible and strictly examined be the sherreff and his deputt in thair current courts nixt and immediatly efter the fensing thairof and of publicatione of the saids actis and at thair declaratione of all thifts bloods ryatts witchcrafts and others transgressors of the saids actis that sall happin to be committit and knawin to thame fra the current courts immediatly preceding.

Anent tryall of Bailyies.—Item that the paroch being convenit in the current court befor the sherreff and his deputs be tryitt and examinet outwith the presence of thar bailye and in presence of thair minister if need bees anent the behaviour and cairage of the bailye in his office and uplifting of his services and day woorks That accordingly his just commendatione in administratione of justice may be knawne without declaratione or calumnie in the contraire or that in caice of malversatione in his place be injustice or of oppressione of the poore be exactione of unlaufull service such order may be taken thairwith according to the tennor of severall of the saids generall actis maid thairanent.

Anent the common gadge of peatts.—Item it is statut and ordanit that all peatts sold or bought within the toune of Kirkwall sall be measured be ane comon gadge of tenn foott allwayes ilk foot containing tuelve inches And this becaus of frequent stryffs and debates that does fall out in the said towne betuixt the buyar and sellars thairoff.

LIST AND CERTIFICATE
OF THE NUMBER OF EXAMINABLE PERSONS
IN ORKNEY AND ZETLAND.

MDCCXLVIII.

LIST of the PARISHES and ISLANDS within the EARLDOM of ORKNEY and LORDSHIP of ZETLAND (exclusive of the BISHOPRICK of ORKNEY) and of the Examinable Persons in each Parish and Island, Heads of Familys, Days Services (being three yearly out of each Family due to the Baillies) and their Perquisits of Wattle and Custall Penny besides their Emoluments.

ORKNEY.

PAROCHS.	No. of Examinable Persons.	Heads of Familys.	Days Services.	Value of the Wattle and Custall Penny.			STERLING.		
				£	SH.	D.	£	SH.	D.
Birsay and Harray	1600	400	1200	10	0	0			
Firth and Stennes	750	187	561	4	13	6			
Evie and Randall	1200	300	900	7	10	0			
Saint Olla	400	100	300	2	10	0			
S^{t} Andrews and Deernefs . .	1200	300	900	7	10	0			
South Ronaldfhay	1300	325	975	8	2	6			
Stronfay and Eday	1000	250	750	6	5	0			
Sanday . .	1300	325	975	8	2	6			
Weftray and Papa Weftray . .	1200	300	900	7	10	0			
Roufay and Egilfhay	700	175	525	4	7	6			
	10650	2662	7986	66	11	0			
7986 Days Services converted at a half a Merk Scots each is							221	16	8
Perquisits of Wattle besides Emoluments of Court							66	11	0

ZETLAND.

PAROCHS.	No. of Examinable Persons.	Heads of Familys.	Days Services.	Value of the Wattle and Custall Penny.			STERLING.		
				£	SH.	D.	£	SH.	D.
Dunroffnefs Sandwick and Coningfburgh . .	1600	400	1200	10	0	0			
Lerwick and Gulberwick . .	1300	325	975	0	2	6			
Nefting Luna Sting Whalfay and Skerries . .	700	175	525	4	7	6			
Fettlar . .	500	125	375	3	2	6			
Unft . .	600	150	450	3	15	0			
Yell . .	800	200	600	10	0	0			
North Mavin .	600	150	450	3	15	0			
Delting . .	600	150	450	3	15	0			
Aithfting and Sandfting . .	700	175	525	4	7	6			
Whitenefs and Wifdal . .	500	125	375	3	2	6			
Tingwall . .	600	150	450	3	15	0			
Bressay and Burray	600	150	450	3	15	0			
	9100	2275	6825	61	17	6			
Services converted as above . . .							189	11	8
Cuftall Penny							61	17	6
							£539	16	10

We Mr Hugh Mowat Miniſter of the Goſpel in Evie and Randal Mr John Yule Miniſter of Kirkwall and S^{t} Olla and Mr Mathew Cleghorn Miniſter of Rouſay and Eaglelay Do hereby Declare that we believe the computation within mentioned of Ten thouſand ſix hundred and fifty examinable perſons for the different pariſhes and Iſlands within the Earldom of Orkney to be reallie below than above the real number which is particularly the caſe as to the pariſhes whereof we are reſpectively Miniſters Subſcribed at Kirkwall the twenty-fifth day of February 1748.

Hugh Mouat
Jo. Yule
Ma. Cleghorn

We George Traill of Hobiſter late Chamberlain of the Earldom and Donald Groat of Newhall late Chamberlain of the Biſhoprick of Orkney Do hereby Declare that the within Liſt of examinable perſons in the different pariſhes and Iſlands of the ſaid Earldom amounting to Ten thouſand ſix hundred and fifty is according to the beſt of our belief and knowledge below the real number of examinable perſons within theſe pariſhes and Iſlands And We further declare that it conſiſts with our knowledge that in ſeveral of theſe pariſhes and Iſlands there are certain days ſervices and duties of Wattle &c. payable to the Baillies who commonly exact one Shilling Sterling for the deficiency of one years ſervice in a family And we likewiſe declare that we believe the like ſervices and duties may be due and payable in the other pariſhes and Iſlands wherein we are not ſo particularly acquainted Subſcribed at Kirkwall the twenty-fifth day of February 1748.

Geo. Traill
Do. Groat

JOURNAL
FROM KIRKWALL TO EDINBURGH.

		Miles.
	From Kirkwall to Holm - - -	6
	Over the ferrie of Holmfound horfe boat is 2 ß Ster. -	4
	From Holmfound to Waterfound - -	1
	Over the ferrie of Waterfound horfe boat is 1 ß Ster. -	1
	From Waterfound to Pictland firth - -	7
Sir Ja. Sinclair at Kerse	Over Pictland firth fraught is 4 ßib Scots - -	12
Sir Ja. Dunbar at Acringill	From Pictland firth or Duncanfbay to Wick -	12
Olbister at Claith	To Claith - - - - -	8
	To the Boarg - - - -	10
	To Aufindail - - - -	3
	To Helmfdail - - - -	3
	To Loth - - - - -	4
My Lord Stranaver	To the brig of Brora - - -	5
	To Dinrobin - - - -	3
	To Ferrie unes wher fraught is 2 ß Scots for man and horfe	3
Sir Will. Gordon of Delfollie at Innerbreckie	To Dornoch - - - -	3
	To Ferrie Portincoulter wher fraught is 4 ß Scots for man and horfe - - - -	3
	To Tain - - - -	3
	To ferrie Innerbrekie wher fraught is 4 ß Scots for man and horfe - - - - -	6
Mr Ja. Broady of Whithill	To Rofmarkny - - - -	6
	To ferrie Arderfhire and over fraught is 6 ß Scots -	2

		Miles.
Laird of Broady	To Nairn - - - - -	6
	To Forres - - - -	6
	To Elgin - - - - -	6
Note.—If you go to Cullen you must go by the boat of Boge	To the boat of Boig fraught is 1 ß Scots man and horſe	7
	To Milbain - - - - -	2
	To the milns of Towy - - -	3
	To Divron watter - - - -	5
	To Whitlums - - - -	4
	To the kirk of Clett - - - -	3
	To Scots milns - - - -	3
	To the Brigend of Knokendo - - -	4
	To Lemphanan - - - -	3
	To Kinkern of Nile (Kincardine O'Neil) - -	2
	To Die - - - - -	1
	To Cutiſillick - - - -	4
	To Fetterkairn - - - -	10
E. of Panmure	To Brichan - - - -	7
	To the 8 mile houſe - - -	8
	To Broughtie ferrie - - - -	8
	Over the ferrie fraught is 6 ß Scots for man and horſe	2
	To Couper - - - - -	6
	To Kennua - - - -	6
	To Kircaldie - - - -	6
	To Kingorn - - - -	2
	Over the Watter to Leith fraught is 12 ß Scots for man and horſe - - - -	7
	To Edinburgh - - - -	1

DOCUMENTS RELATIVE TO THE PRINTERS OF SOME EARLY SCOTTISH NEWSPAPERS, ETC.

MDCLXXXVI—MDCCV.

SCOTTISH PRINTING.

[The following Papers will serve to illustrate the censorship of the Press, at one time established in this country, and the history of some early Newspapers, "Prognostications" or Almanacks, and other minor specimens of Scottish typography, from "*ane wounded heart sacrificed in tears*," to "*the decencie and ornament of a border of skeletons, mort-heads, and other emblems of mortality.*" They seem to stand in need of no explanation; but it is right to record, that they have been collected, and carefully transcribed for insertion in this place, from the Registers and original Warrants of the Privy Council of Scotland, by the care of a gentleman, to whom the Club has on many other occasions been indebted for ready and valuable assistance, Mr Macdonald, of the General Register House.]

Act in favour of Mr. Robert Blaw for printing a Manual—4 Mar. 1686.

To the Right Honorable the Lords of his Majesties Privy Councill The humble Petition of Mr Robert Blaw, Doctor of the Grammar Schooll of Portſburgh,

Sheweth,

That wher the petitioner having compiled from many Authors a little Book intituled *Syntaxis Vernacula, vel Nova*

et facilis methodus Compositionis, which will not only be vſefull towards the erudition of youth, bot alſe for reviveing the memory of the elder in that which they have read on the ſubject, and which is approven by the Maſters of this Univerſity under their hands; And ſince your Lordſips have alwiſe bein in vſe to give encouradgement to ſuch undertakings,

It is therfor humble deſired your Lordſhips wold be pleaſed to grant allowance to the Petitioner or his order, for the ſole printing, reprinting, vending or ſelling of the ſaid Little Manuall for ſuch a ſpace as is ordinar and you ſhall think fitt; And wold diſcharge all other perſones from ſo doeing during that ſpace, under the pain of confiſcation of the ſame to his or their uſe, beſids what other puniſhments your Lordſhips ſhall inflict for contempt in caiſe of contravention.

And your Petitioner ſhall ever pray.

Edinburgh the fourth day of March 1686.

The Lords of his Majeſties Privy Councill haveing heard and conſidered the within writtine petition, Doe hereby grant the deſyre thereof for the ſpace of Nyne yeirs after the date of theſe preſents, and ordaines ane Act to be extended in the petitioner's favors accordingly.

Act prohibiteing the printing or reprinting of any New Books or Pamphletts without License from the Lord High Chancellour. SEPT. 7. 1686.

THE Lords of his Majeſties Privy Councill Doe hereby Prohibite and Diſcharge all perſons whatſomever from granting any licenſe for printing or reprinting any new Books or Pamphletts, untill the ſame be firſt ſeen and peruſed by the Lord High Chancellor, as they will be anſwerable; And Ordaines Intimatione hereof to be made by one of the Macers of Councill to the Printers and Stationers in and about Edinburgh, that they may not pretend ignorance.

PERTH *Cancell.*
I. P. D.

Act in favour of Mr Robert Blaw for printing a Vocabulary. 16 SEPT. 1686.

FORASMUCH as there being ane humble addreſſe made to the Right Honorable the Lords of his Majeſties moſt honorable privy Councell, by Mr Robert Blaw, one of the Doctors of the Grammar School of St Cuthberts, Reprefenting that he hath by indefatigable paines, and ſcrutiny in the moſt approven and modern Dictionaries, from thence compiled a vocabulary entitled *Fraus Elusa* or *Tenebræ Repulsæ*, which, as to the deſigne there-

of, both as to the ſignification as well as to the pronunciation and ſyllabication of words ſeeming to be the ſame but yet different, will be moſt uſefull to extricat and explain both to all perſones eſpecially thoſe of the younger ſort ; And humbly craveing that order and warrant might be granted to the effect underwritne ; The ſaids Lords of his Majeſties Privy Councill having heard and conſidered the forſaid addreſſe, Doe for the ſaid Mr Robert Blaw's encouradgement not only give and grant unto him or his aſſignayes full power and licenſe for the ſole printing reprinting vending or ſelling not only of the ſaid vocabulary, but alſo of his *Syntaxis Vernacula* &c. formerlie printed, And that for the ſpace of nintein yeiris after the date hereof, Diſcharging hereby all vther perſones from printing reprinting vending or ſelling the ſame dureing that ſpace, under the pain of confiſcation thereof to his or their uſe and behoove, beſyds what other puniſhment the Councill ſhall think fitt to inflict, in caiſe of contravention.

PERTH *Cancell.*
I. P. D.

Act in favours of James Watsone, Printer to His Majesties family for Prognostications. SEPT. 16. 1686.

FORASMUCH as It has pleaſed the Kings moſt Excellent Majeſty, By a letter direct under his Royall hand to the Privy Councill of this his ancient Kingdome, To ſignify That it is his Royall will and pleaſure That James Watſon, Printer to his

family within this Kingdome, ſhould have the ſole and only priviledge of printing all Prognoſtications within the ſame, and benefite thereof So as all others may be therefrom diſcharged in manner underwritten; THEREFORE The ſaids Lords, In purſuance of His Majeſtie's Commands aforeſaid, Doe hereby Give and Grant unto the ſaid James Watſon The ſole and only priveledge of Printing Reprinting vending Selling or Importing any Prognoſtications unto this Kingdome after the date of theſe preſents without the ſpeciall allowance and approbation of the ſaid James Watſon, Printer, aforeſaid, As they will anſwer the contrair at their perrill; Extending hereby not only theſe preſents As to what Prognoſtications may hereafter come forth for the enſueing year, Bot alſo as to what have already come forth; Which are hereby expreſsly diſcharged, Unles Licenſe and approbation be granted in manner and under the Certification aforeſaid. And that his Majeſties pleaſure and theſe preſents may be known in the premiſſes, And all Printers Stationers and others certiorat thereof, That exact obedience may be given therto, The ſaids Lords of Councill Doe ordaine the ſame to be Intimate printed and affixt at the ſeverall Mercat Croces of the Head Burghs of the Shires of this Kingdome, and the ſeverall Paroch Churches of the ſame and other places needfull, That none pretend Ignorance.

PERTH *Cancell.*
I. P. D.

Act in favors of Charles Chalmers for printing a Book.
23. Jul. 1695.

The Lords of his Majeſties Privy Councill having conſidered a Petition given in to them be Charles Chalmers writter in Edinburgh, Shewing, That the Viſcount Tarbat Lord Regiſter having from the authentick Records of the kingdome wrot a Vindication of Robert the thrid King of Scotland from the Imputation of Baſtardy &c. And given the benefite of printing the ſame to the Petitioner, which the Petitioner has cauſed doe weell but at a conſiderable expenſe, And Therfore humbly Craving to the effect underwritten As the ſaid petition bears, The ſaids Lords of his Majeſties Privy Councill Doe heirby Diſcharge any to print the ſaid Book within this kingdome, or to Import or vend the ſame for the ſpace of twentie one years after the date heirof without the Petitioners licence, under the penalty of confiſcating the books ſo printed, Imported, or vended, to the Petitioner's uſe and behoove.

Act in favors of James Donaldson for printing the Gazette.
Mar. 10. 1699.

Anent the petition given in to the Lords of his Majeſties Privy Councill be James Donaldſon merchant in Edinburgh, Shewing, That the petitioner doeth humbly conceive the publiſhing of ane Gazett in this place containeing ane abridgment

of fforaigne newes togither with the occurrances at home may be both uſefull and ſatisfieing to the leidges, and actually hath publiſhed one or two to ſee how it may be liked, and ſo farr as he could underſtand the project was approven of by very many, And therfore Humbly ſupplicating the ſaids Lords to the effect after mentioned; The Lords of his Majeſties Privy Councill haveing conſidered this petition given in to them by the above James Donaldſone, They doe hereby Grant full warrand and authority to the petitioner for publiſhing the above Gazette, and Diſcharges any other perſones whatſoever to pen or publiſh the like, under the penaltie of forfaulting all the coppies to the petitioner, and farder payment to him of the ſoume of ane hundred pounds Scots money, by and attour the forſaid confiſcatioun and forfaulture, and Recommends to the Lord high Chancellor to nominat and appoint a particular perſone to be Superviſor of the ſaids Gazetts before they be expoſed to publict view, printed, or ſold.

Act in favors of James Donaldson, Gazetteer, to print Buriall Letters. Mar. 10. 1699.

Anent the petition given in to the Lords of his Majeſties Privy Councill be James Donaldſon merchant in Edinburgh, Shewing, That the petitioner hath fallen upon a device for printing or ſtamping in a fine wryt character after another maner then is commonly uſed on Copper plates, by raiſeing the ſaid Character on ingotts of braſs much after the faſhion

of Printing types, By which means words may be changed according as the ſubject doeth requyre, and does humbly conceive to cauſe ingrave and imploy ſo much of the ſaid character as may ſerve for buriall letters, may be profitable and convenient for the leidges ſeverall wayes ; for the diverſe compellationes, Titular words, names of perſons, and places from whence and to which the corpſes are to be tranſported, may be changed to the Imployers their ſatiffaction ; By this device the leidges may be both cheiper and ſooner ſerved then ordinar, Buriall Letters being oft times in haſte ; beſides the decencie and ornament of a border of ſkeletons, mortheads, and other emblems of mortality, which the Petitioner hath ſo contrived that it may be added or abſtracted at pleaſure ; Theſe, and ſeverall other advantadges to the leidges, without doubt may be found in the uſe of the ſaid device, which was humbly offered to the ſaids Lords conſideration, who have allwayes given ſuitable encouradgment to what the ſaids Lords had ſeen convenient to the leidges, as it was hoped this would be found ; And Therfore humbly ſupplicating to the effect after mentioned ; The Lords of his Majeſties Privy Councill haveing conſidered this petition given in to them by the above James Donaldſon, They hereby allow the petitioner and his heirs and aſſigneyes to make uſe of the above device for printing or ſtamping, And Diſcharges any other perſones to make uſe of the ſame for the ſpace of nynetein years, commenceing from the day and date hereof, without ſpeciall warrand from the Petitioner or his heirs aſſigneyes or Repreſentatives had and obtained for that effect, under the penaltie of forfaulting all

thefe to be made by them, to the petitioner, and five hundred merks of penaltie by and attour the faid forfaulture.

Act in favours of George Mossman, Stationer in Edinburgh, anent Printing of the works of Mr George Buchanan.
Nov. 9. 1699.

The Lords of his Majefties Privy Councill doe hereby Grant full priviledge power and warrand to George Moffman Stationer in Edinburgh, his heirs or affigneyes, To print vend and fell all the works of the learned Mr George Buchanan, in ane Volume in folio, or by parts in leffer volumes, And difcharges all others to print Import vend or fell the whole or any part of the faid Mr George Buchanan his works, in any Volume or character, for the fpace of nyntein years from and after the day and date hereof, Excepting what are already printed and Imported preceiding the date of thir prefents; with Certification to the Contraveeners The copies fhall be feazed upon and confifcat to the ufe of the faid George Moffman and his forfaids, Attour that the perfones forfaids fhall be lyable to them in the payment of fyve hundred merks Scots of fine *toties quoties*, befides the forfaid Confifcation, and by and attour the famen.

To the Right Honourable the Lords of Her Majesty's most Honourable Privy Council,

The Petition of the Printers in Edinburgh,

Humbly Sheweth,

That albeit no tranſgreſſion in our Art of Printing is imputed to your Petitioners; Nevertheleſs the Magiſtrates of Edinburgh are pleaſed to conveen us, and under fevere threatnings require us to ſign a Bond, that we ſhall Print nothing, (without diſtinction of publick or private), unleſs the ſame be duely authoriſed by publick authority. As alſo, they oblige us to find caution for ourſelves and our Servants. Which will appear to your Lordſhips by their Act hereto ſubjoin'd.

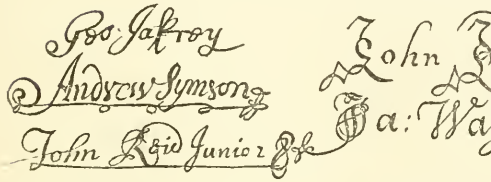
And ſeing the cognizance of theſe matters do belong properly to your Lordſhips, and that we have ſhewn our willingneſs to obſerve your Lordſhips Act 1690, whereof a copy is hereto ſubjoin'd: We ſhall only at preſent humbly repreſent, that the impoſing upon us ſuch Bonds as the Council of Edinburgh require of us, has no warrant in Law, and, as we conceive, ſeems to be prohibited by the Claim of Right.

For avoiding any difference that may hereafter occur anent the exerciſe of our art, we humbly intreat your Lordſhips to nominate in the terms of the Act 1690, perſons who may authorize us in printing any thing relating to publick matters: And for that end may appoint a Committee to conſider our

cafe, and hear our propoſals, that nothing offenſive to the Government, ſcandalous or ſcurrilous, may be printed; and that we may be free from theſe hardſhips, which we ſhall evince this Bond would put upon us.

May it therefore pleaſe your Lordſhips, to take the cognizance of the premiſes, from the Town Council of Edinburgh to yourſelves, to nominate Licenſers, and to appoint a Committee, who may hear your Petitioners propoſals for regulating the printing of publick papers, and other things relating to the regulation of the Preſs.

And your Petitioners ſhall ever Pray, &c.



Act of Privy Council. Edinburgh, the twenty-eight day of January One Thousand Six Hundred and Ninety Years.

The Lords of their Majesties Privy Council, in the terms of, and conform to the Tenor of the Twenty Seventh Act, Fifth Parliament of Queen Mary, discharging all Printers within this Kingdom, to Print, or Re-print any Pamphlets, Books, or others, relating to the Government, until the same be seen, revised, and examined by the Earl of Cassils, Master of Melvil, and the Lord Advocat, whom the Council do hereby Authorize for that effect; with certification to such, who shall

presume to act in the contrair hereof, that not only shall all their goods be confiscat, but likewise they shall be banished the Kingdom for ever: And they ordain the Macers of Privy Council to make Intimation to all Printers in Edinburgh, and appoints Sir William Lockhart to make Intimation to all the other Printers within this Kingdom, that they may not pretend Ignorance. Extracted by me,

GILB. ELIOT, *Cls. Sti. Concilii.*

Act of the Council of Edinburgh, 29 *October* 1703.

The which Day, the Lord Provost, Baillies and Council, Deacons of Crafts ordinar and extraordinar, being conveened in Council, Considering, That, by Ordinance of the Lords of Privy Council, no Printer is to print any thing, unless the same be duly Allowed and Authorized; And that the Printers of this Burgh having transgressed this Ordinance, have occasioned the Magistrats of Edinburgh to be questioned by their Lordships, for not Restraining their said Printers from Printing and Publishing Papers not at all Allowed, and withal Scandalous, and of ill Consequence: Do therefore, to prevent the like in time coming, Statute and Ordain, That no Printer, or Printers Servants, within this City, or Suburbs, (for whom his Master shall be Answerable,) shall not, for hereafter, Print any Books, Pamphlets, or other Papers whatsoever, unless first duly Allowed by Publick Authority, under the Penalty of Losing their Freedom of the Burgh, and otherways Fined and Punished, at the Will of the Magistrate. And, for the more sure Performance of the Premisses, Appoints the whole Printers, present and to come, to give Bond and Caution for themselves, Apprentices and Servants, observing of the Premisses: And als, That they shall affix their Names to whatever Books, or Pamphlets, or Papers, they shall Print, or Publish.

EDINBR THE 25TH JANUARY 1704.

The Lords of her Majeſties Privy Councill having conſidered this petition given in to them by the within Printers of Edinburgh, And the ſamen being Read in their preſence, The ſaids Lords Do heirby Nominat and appoint The Earle of Roſeberry, The Lords Advocat, Juſtice Clerk, Phefdoe, and Mr Francis Montgomery, to be a Committy to conſider the within petition and matter therin Repreſented, and to call for the Petitioners and the Magiſtrats of Edinburgh, and hear them *hinc inde* theranent, And to Report; And Recommends to the ſaid Committy to meet tomorrow morning at ten of the Clock in the forenoon, And declares any Two a Quorum.

FINDLATER, *I. P. C.*

Warrand anent Pamphlets and ſellers of them.

APR. 17. 1704.

THE Lords of her Majeſties Privy Councill conſidering that there are a great many Pamphletts and other papers printed and publictly ſold within the Toun of Edinburgh, that are not licenſed, and ought not to be printed, The ſaids Lords doe heirby Recommend to the Magiſtrates of Edinburgh to take a ſpeciall notice of all ſuch Pamphletis and paperis that ſhall be expoſed to public ſcall within their ſaid Toun, and of the ſelleris thereof, and Printers of the ſamen; And to call for and examine the ſaid Printers, and committ them to priſon

untill the ſame be reported to the ſaids Lords of her Majeſties Privie Councill.

Act in favours of Sir James Dalrymple for printing a Book.
7 Nov. 1704.

The Lords of her Majeſties Privie Councill doe heirby grant to Sir James Dalrymple, one of the Clerks of Councell and Seſſion, his airs and aſſigneys, the ſole priviledge of printing, vending, and ſelling ane book, entituled Collections concerning the Scottiſh Hiſtory preceeding the death of King David the firſt, in the year one thouſand one hundred and fiftie three, wherein the Soveraignity of the Crown and the Independency of the Church is cleared, with ane account of the antiquity of the Scottiſh Britiſh Church, and the novelty of Popery in this kingdom; And Diſcharges all other perſones whatſomever to print, reprint, ſell or import into this kingdome, any of the ſaids books, for the ſpace of nynteen years from the date hereof, and that under the pain and penalty of confiſcation of the ſaids books to the uſe of the ſaid Sir James Dalrymple or his foreſaids, and furder under the penalty of fyve hundered merks Scots money, to be payed by the Contraveeners to the ſaid Sir James Dalrymple or his foreſaids, beſydes the ſeizure and forfaulture foreſaid.

Act in favours of Adam Boig for printing the Edinburgh Currant. Feb. 13. 1705.

Anent the petition given in and prefented to the Lord high Chancellor and remanent Lords of Privie Councill By Adam Boig, Humbly Shewing, That wheras their petitioner intends to fett forth a paper by the name of Edinburgh Currant which will come out thrice weekly, viz. Monday, Wednefday, and Fryday, containing moft of the remarkable forreign newes from their prints, and alfo the home newes from the ports within this Kingdome, when Ships comes and goes, and from whence, which its hoped will prove a great advantage to merchants and others within this Nation, (it being now altogether neglected); And Seeing their petitioner has no inclination to give offence therby to the Government, and that he cannot fafely doe the fame without he be impowered therto by their Lordfhips, And therfore craving to the effect after mentioned as the faid petition bears; The Lords of her Majefties Privie Councill having confidered the above petition given in to them by Adam Boig, and the famen being read in their prefence, The faids Lords doe heirby allow and grant warrand to the petitioner to fett furth and print ane paper entituled Edinburgh Currant, containing the remarkable forreign newes from thir prints and letters, as alfo the home newes from the ports within this Kingdome, when Ships comes and goes, and from whence; he alwayes being anfwerable for the famen, and for the newes therin fpecified and fett doun.

Act in favours of Mr William Forbes, Advocat, to print a Book. 8 Mar. 1705.

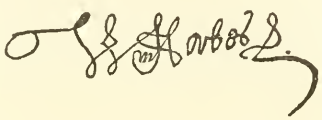
Unto the Right Honourable The Lords of Her Majestie's most Honourable Privie Council, Mr William Forbes, Advocat,

Humbly Sheweth,

That where I have compoſed A Treatiſe of Church Lands and Tithes, containing the hiſtory of Eccleſiaſticall revenues, churches, church offices, benefices, gleibs, manſes, patronage, religious and ſome military orders, with a clear and full diſcuſſion of points of right and controverſy relateing to theſe matters: And ſhewing how farr the Scots and Canon Laws doe agree and differ, the forme of proceſs before the High Commiſſion, and the rules obſerved by that ſupreme Court in valuing or felling of tithes, ſettling miniſters ſtipends, erecting or tranſplanting churches, uniting, annexing, divideing or diſmembring pariſhes, and in reduceing their own decreets, together with a diſtinct explanation of rights ariſeing from decreets of the Commiſſion and falling under the cogniſance of the Lords of Seſſion;

May it therefore pleaſe your Lordſhips to grant to me, my heirs or aſſigneys, the ſole priviledge of printing vending and ſelling the forſaid book entituled a Treatiſe of Church Lands and Tithes &c. and to diſcharge all other perſons whatſomever to print re-

print ſell or import into this kingdome any of the ſaids books for the ſpace of nyneteen years from the date hereof And farder under the penalty of five hundred merks Scots money, to be payed by the contraveeners to me or my forſaids, beſides the ſeizure and foreſaulture forſaid; According to Juſtice and your Lordſhips anſwer.



EDINBURGH, 13 FEB. 1705.

THE Lords of Her Majeſties privie Councell haveing conſidered the within petition given in to them by Mr William Forbes Advocat, and the ſamen being read in their preſence, the ſaids Lords doe heirby appoynt the petitioner to wait upon ſuch of the Lords of Seſſion as are upon the Councill, with the Lord Advocat, that the ſaids Lords may conſider and peruſe the ſheets of the ſaid book; and recommends to the ſaid Committie to make their report to the Councill with their conveniencie.

TWEEDDALE *Cancell.*
I. P. D.

Edinburgh 8 March 1705.

The Lords of her Majeſties Privie Councill having conſidered the above Petition, &c. Doe heirby grant to the Petitioner his airs or aſſigneys, the ſole priviledge of printing, vending, and ſelling the foreſaid Book, entituled a Treatiſe of Church Lands and Teiths, &c. And have diſcharged, and heirby Diſcharges all other perſones whatſomever to print, reprint, ſell, or import into this kingdome any of the ſaids Books for the ſpace of nynteen years from the date heirof, and that under the pain of confiſcation of the ſaids books, &c. &c.

Act in favours of Mr James Webster to print a Book.
8 March 1705.

The Lords of her Majeſties Privie Councill Doe hereby grant to Mr James Webſter, one of the Miniſters of Edinburgh, his airs or aſſigneyes, the ſole priviledge of printing, vending, and ſelling the book entituled Sacramentall Sermons and Diſcourſes, compoſed by the ſaid Mr James; And Diſcharges all other perſons whatſomever to print, reprint, ſell or import into this kingdom any of the ſaids books for the ſpace of eleven years from the date heirof, and that under the paine and penalty of confiſcation of the ſaids books to the uſe of the ſaid Mr James Webſter and his foreſaids; And farder under the penalty of fyve hundreth merks Scots money, to be paid by the Contraveeners to the ſaid Mr James Webſter or his foreſaids, beſydes the ſeizure and forfaulture forſaid.

To his Grace, Her Majesty's High Commissioner, and the Right Honourable Lords, and Others of Her Majesty's Privy Council,

The Petition of George Ker and Evander MacIver, Tacksmen of the Scots Manufactory-Paper-Mills, and James Watson Printer in Edinburgh,

Humbly Sheweth,

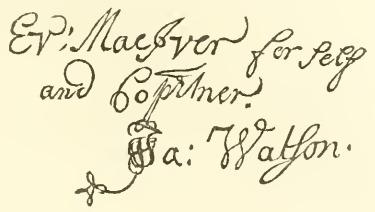
That your Petitioners finding, to the great discouragement of such as have apply'd themselves and their small Stocks to the improvement of the Paper-Manufactory and Art of Printing in this Kingdom, that vast numbers and quantities of Books relating to the Affairs of Scotland, are daily imported from England, for which exorbitant Prices are imposed upon the Leiges, and considerable Sums of Money carryed of course out of the Nation: A manifest instance whereof (amongst many others that may be given) appears by a Book lately brought from England, Entitled, War betwixt the British Kingdoms considered, &c. which consists of 13 Sheets of Paper only, and yet there's no less than Two Shillings Sterling exacted for each Copy in stitch'd Sheets, without being bound: And the Printer of that Book in England, has contrary to the

apparent deſign of the Book it ſelf, affixt ſuch a daring and unwarrantable Advertiſement at the end thereof, as if the Printers of Scotland had a Dependence on thoſe of England, and could not Re-print any Book here without their Licenſe and Permiſſion, which your Petitioners humbly conceived to have been ſuch an open Encroachment on their Native Right, and ſuch an Abuſe on the Leiges of this Kingdom in general, that out of a juſt Reſentment thereof, they reſolved to Re-print the ſaid Book very Correctly on good Scots Paper, and to have ſold the ſame at Ten Pence each Copy, and had advanced a good way in Reprinting thereof, until that, to their great Surpriſe and Diſappointment, they were ſtopt by vertue of your Grace and Lordſhips Act, obtain'd by the Miſ-information of ſome Perſons here, who from a ſelfiſh Deſign, had borrowed the Author's Name, and pretended that theſe Books were ſold for his benefit only, tho' it can be made appear that they had them at 15 Pence each Copy, which makes their Profit but one ſingle Penny leſs than your Petitioners intended Price for the whole Book, when Re-printed here.

May it therefore pleaſe your Grace and Lordſhips, to take the Premiſſes into your ſerious Conſideration, and for the Encouragement of the Paper-Manufactory and the Art of Printing at home, and for the keeping of Money as much as may be within the Kingdom, to re-call the ſaid Act of Council, and allow your Petitioners to proceed in finiſhing the Re-printing of the ſaid Book, before any more Copies of the Engliſh Impreſſion be imported upon the Encourage-

ment of the ſaid Act, thoſe already brought home being near fold, as your Petitioners are informed.

And Your Petitioners ſhall ever Pray, &c.



Hallyroodhouse 26th June 1705.

His Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privie Councill, haveing conſidered the within Petition given in to them by the Taxmen of the Paper Manufactory; and the ſamen being read in their preſence, His Grace and the ſaids Lords doe hereby Refuſe the deſire thereof. And appoynts, and ordaines, and Gives orders and warrand to their Macers, to ceite Evand M'Iver and James Watſone, Printers in Edinburgh, as the perſones who ſignes the ſaid Petition: As alſo the ſaid James Watſone, as the perſone alſo who Reprinted the pamphlet, entituled, Scotland reduced by force of armes and made a province of England, to appear before the Councill next Councill day, and anſwer to what ſhall be layed to their charge thereanent.

SEAFIELD *Cancellar.*

I. P. D.

PROCEEDINGS IN THE CAUSE, ADAM BOIG *v.* JAMES DONALDSON, ETC.

To His Grace Her Majesties High Commissioner and the Right Honourable the Lords of Her Majesties most Honourable Privy Council, The Petition of Adam Boig.

Humbly Sheweth,

That your Petitioner having obtained your Lordſhips liberty and permiſſion for emiting a News-paper, under the title of the Edinburgh Courant, in which I have carryed ever ſince, with very great care, diligence, and caution, to the ſatiſfaction not only of your Lordſhips, but of the Leidges in general; Until by misfortune, upon the 22d and 25th days of June laſt, your Petitioner being importun'd by Mr Evandar M^{c}Iver, Tackſman of the Paper Manufactory, to inſert an Advertiſement given in and ſubſcribed by the ſaid Mr M^{c}Iver, herewith produced, Your Petitioner did moſt inadvertantly ſuffer the ſame to be inſert in the Courant, which, (to your Petitioner's great grief), has given offence to your Grace and Lordſhips, whereupon your Grace and Lordſhips have juſtly ſtopped the Printing and emitting the ſaid Courant, the continuance of which ſtop will intirely ruine your Petitioner now, after he

hath been at great pains and charges in ſettling Correſpondents at Home and Abroad.

May it therefore pleaſe your Grace and Lordſhips to accept of your Petitioners humble and ſincere acknowledgement of his Fault; and, of your Grace and Lordſhips bounty and goodneſs, to repone your Petitioner to the Printing and Publiſhing the Courant as formerly; and according to my duty I ſhall hereafter be more cautious and circumſpect, and am moſt willing that in all time coming no Inland News nor Advertiſement ſhall be publiſhed nor put into the Courant, but at the Sight and Allowance of the Clerks of Council.

And your Petitioner ſhall ever pray,

Adam Borg

ADVERTISEMENT.

The above Act haveing bein obtained *parte inaudita*, The perſon cheefly concerned in reprinting the book therein mentioned, haveing ane intereſt in the Paper manufactory deſignes to apply to His Grace her Majeſtyes high Commiſsioner and moſt honorabill privy Council nixt Council-day for re-aſsuming the ſubject matter of the ſaid act into their farther con-

ſideration, in reſpect that the vending of conſiderable numbers of ſuch bookes here as are printed in England which may be very well printed or re-printed in Scotland is not only a great diſcouragement to the improvement of the Paper manufactory and art of printing at home, but likewiſe the mean of ſending unneceſsarily a great deale of money out of the nation, and of impoſeing more then double prices on the Lieges whereby the contents of ſuch books are hindered from being ſo univerſaly knowen as otherwayes they may be: And thoſe concern'd in reprinting the ſaid booke make noe doubt but that upon a reconſideration of the premiſes, His Grace and their Lordſhips will be pleaſ'd to allow the ſame to be finiſh'd and publiſh'd; eſpecially ſince the ſaid act has bein obtain'd by ſome perſons here for their own privat advantage without any mandat or procuratory from the author, whoſe name was only borrowed for giveing ſome pretended colour to the petition upon which the ſaid act was obtained.

Ed^r^ 22d June 1705.

Mr Boig inſert the above Advertiſement in this dayes Courant for your friend

Ev. MacIver.

Unto his Grace John Duke of Argyle Her Majesties high Commissioner and Lords of Her Majesties most honourable Privy Council,

The Petition of James Donaldson Writer of the Gazette,

Humbly Sheweth,

Your Grace and Lordſhips Petitioner having levied a Company of foot at his own charge anno 1689, and having ſerved in the Earl of Angus's Regiment till the ſame was reduced from 20 to 13 Companies, by quhich expence and being quite put out of the way of Buſineſs he was ſo involved in debt that in a few years after all his means were quite exhauſted, quhich put your Petitioner to think of all poſſible means of ſubſiſtance, and having projected the writing of a News paper in this place obtain'd your Lordſhips warrand for penning and publiſhing all news in a Gazette twice or thrice a week as the ſaid act herewith produced doth teſtify, He did alſo procure your Lordſhips act for the ſole printing of Burial Letters, including Heirs and executors, for 19 years, 6 of quhich being expired ; Tho theſe grants did not wholy anſuer expectation yet your Petitioner made a ſhift to live thereby, till in Februrary laſt Adam Boig did very unexpectedly obtain your Lordſhips warrand to publiſh a Newſpaper only diſtinguiſhable from the Gazette by the title, which your Petitioner taking to be inconſiſtent with his Act which excludes all others, he made

application to your Lordſhips next Council day to have Adam Boigs Act recall'd, quhich not being granted, Adam Boig began very early to ſhew for what end he had made application to your Lordſhips, and at the firſt inſtant gave his Paper to the Balland cryers 4 s a quair below the common price, as he did likewiſe to the Poſtmaſter who uſed to take a percel of Gazettes weekly ; This obliged your Petitioner to lower the price of his Gazettes likewiſe, But the ſaid Adam and thoſe who aſſiſted him did ſtill ſo practiſe the Paper cryers as to neglect the ſelling of the Gazette, to deny that there was any printed when inquired at, and alſo to extol Mr Boig and the Courant as a paper much preferable to the Gazette, both in reſpect of foreign and domeſtick News ; Tho ſuch litle artifices ſhould ſeem to merit but little regard, yet by abſtracting the Gazette, and the other methods aforeſaid, the Courant gain'd credit with ſome, tho your Petitioner cannot underſtand upon quhat con ſideration, for all the foreign News that ever was in the Courant were takin verbatim out of ſome of the London papers, and for the moſt part from Dyers Letter and the London Courant, which are not of the beſt reputation ; ſo your Petitioner did never omit any domeſtick News that he judged pertinent, tho he neither midled with matters that he had cauſe to believe would not be acceptable, nor every ſtory and triffling matter he heard ; Moreover your Petitioner doth juſt now ſuffer for Adam Boigs falt in having the Gazette ſtop, tho that diſagreeable paragraph was not in, which being in the Courant was diſpleaſing to your Lordſhips, as well as by his practiſing the paper ſellers, ſo that by thair combinations they neither

would ſell the Gazettes, nor permit any other perſon whom I employ'd, pretending to be countenanced by the Mageſtrats.

As your Petitioner has ſuffered all theſe ways by Adam Boigs premeditat and deſigned endevours, joined with others who aſſiſts him, ſo your Petitioners loſs is yet greater by the oblique conſequences thereof; for juſt about the time when Adam Boig obtain'd his Act, your Petitioner was contracting with ſome gentlemen for ſetting up an fire Arm Manufacture, quhich your Petitioner had obtained previlege for from your Lordſhips, againſt much opoſition of the Hamermen of Edinburgh; the people with who he was contracting, perceiving how your Petitioner was defeat in the matter of the Gazette, fearing ſome other perſon might likewiſe defeat the deſign of the fire Arm Manufacture by ſome ſeeming diſtinction of ſetting up another thing, brok off; ſo that your Petitioner can make nothing by it notwithſtanding of all his pains.

Beſides theſe injuries done to your Petitioner he is farther threaten'd by ſome Printers in Town, that declare their intention to print Burial Letters notwithſtanding your Petitioners privilege as above repreſented; againſt quhich your Petitioner ſhould think himſelf ſecure enough, were it not that he has been ſo baffled in the matter of the Gazette that he knows not how far he may be diſappointed in this.

It is alſo further humbly repreſented, that your Petitioner is informed that Adam gives out that your Petitioner has no

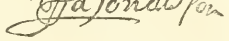
intreſt in the Gazette having quited the ſame to John Biſſat the truth is your Petitioner being diſabled to cary on the Gazette by all theſe means above repreſented he left off publiſhing thereof the 7th of May laſt but gave no power to John Biſſat but a bare permiſſion during pleaſure and he is ſure your Lordſhips will not think it a good reaſon to deny your Petitioner hes juſt right becauſe through the Artifices of his Enemies he was debilitat to retain the ſame for a time.

As your Lordſhips cannot but perceive into what a lybirinth of difficulties dangers and loſſes your Petitioner is involved that he believes the like has ſcarcely hapen'd to any man ſo he is confident no man ever gave leſs ground of offence or envy all theſe methods which he has taken to earn bread not having had an exiſtance when he aply'd for them and conſequentlie obtaining of his requeſt wrong'd no man and for that reaſon ought the leſs to be coveted by any.

May it therefore pleaſe your Grace and Lordſhips to conſider the premiſes and the Act in your Petitioners favours relating to the Gazette herewith produced, and if the ſame ſhall ſeem to your Lordſhips to entitle your Petitioner to the ſole privilege of publiſhing the News (as he takes it to do) thereupon to Recal the Act in Adam Boigs favours and Retify your Petitioners allowing him alſo to ſell his papers to the beſt advantage And alſo to Retify and Confirm his other Acts in Relation to the Burial Letter and Fire Arm Manufacture declaring that it is your

Lordſhips intention that they ſhould ſtand in full force againſt all perſons who without your Petitioners warand ſhall preſume to print Burial Letters or make uſe of ſuch engines as are invented or firſt uſed in this kingdom by your Petitioner during the ſpace and under the penalties contain'd in the ſaid Acts reſpectively as they herewith produced do purport.

And your Petitioner ſhall ever pray, &c.



Holyroodhouse the 26 of June 1705.

His Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privy Council Doe appoint and ordain, and Gave order and warrant to their Macers to cite Adam Boig, author of the Currant, to appear befor the Council next Council day peremptorie, and anſuer to what ſhall be laid to his charge for inſerting ane particular paragraph in his Currant; and in the mean time Diſcharges the ſaid Adam Boig author of the Currant, and James Donaldſon author of the Gazett, to print or expoſe to publick ſale any Currants or Gazetts, till further orders of Councill thereanent.

SEAFIELD *Cancellar.*

I. P. D.

Unto his Grace Her Majesties high Commissioner, and the Right Honourable, the Lords of Her Majesties most Honourable Privy Council,

The Humble Petition of Adam Boig,

Sheweth,

That the Petitioner's Courant was by your Grace and Lordſhips moſt Juſtly Stopt, on Account of a moſt Impertinent Advertiſement therein inſert in June laſt; Which your Grace and Lordſhips had good Ground to have thought was my own Fact, altho it was truely inſert by the Importunity of Mr. Evander M'Iver. Upon the 24 of July I applyed to your Lordſhips, and craved that your Lordſhips in your Clemencie and Goodneſs, might yet allow me to publiſh the Courant, I being diſcharged to inſert any Scots News, till they were Revifed by the Clerks of Council.

At the ſame time there was another Petition given in by Ja. Donaldſon Author of the Gazette, deſiring the Stop put to the Gazette to be taken off; And complaining of your Lordſhips Act in my Favours, upon ſeveral frivolous Grounds: Upon reading of which two Bills, your Grace and Lordſhips were pleaſed to allow the Gazette to go on (as to which I have nothing to ſay); And appointed me to be cited to next Council-day: And in the mean time to See and Anſwer Donaldſon's Petition. As to which I humbly beg leave to Repre-

ſent to your Grace and Lordſhips, That I cannot expreſs my Grief and Sorrow, for having had the leaſt Acceſſion to any thing that gave your Grace and Lordſhips Offence; And that if wrong could have any Warrand (which it cannot) the Petitioner has ſome Excuſe for this his Fault, for the Paragraph of the Courant juſtly quarrelled, is not inſert as News, but as an Advertiſement given in by Mr. M'Iver, ſubſcrived with his hand, the Principal whereof is in the Clerk of Councils hands. I muſt, notwithſtanding, with all Submiſſion own that it was ſtill a Crime in me to inſert it, and in the due Senſe of my Guilt, I humbly ſubmitt my ſelf to your Lordſhips Cenſure. And as to my being cited, your Grace and Lordſhips Trouble of Libelling me may be prevented, for I acknowledge my Guilt, and Submitts as above. As to Captain Donaldſon's Petition (I mean that part thereof which deſires my Act to be Recall'd) I humbly beg leave to Inform the Honourable Board, That that Affair ſeems to be *res hactenus judicata*, for upon the 15th. of February laſt, a Petition to the ſame purpoſe was preſented by Donaldſon, and after mature Deliberation, was Refuſed without a Contradictory Vote. I humbly ſuppoſe it needleſs to trouble your Grace and Lordſhips with Anſwering every particular Storie of that long Petition, only this in General, The Petition Complains; That I Underſold him; That my Courant bore nothing but what was collected from Forreign News-Papers; And that it gained greater Reputation than his Gazette. As to the Firſt, It was his Fault if he kept the Gazette too dear; And I muſt ſay, that his Profit cannot but be Conſiderable, when he ſells at my Price, for all

my News comes by the common Poſt, and I pay the Poſtage; Whereas John Biffet his Conjunct gets his News all by the Secretaries Pacquet free of Poſtage, which is at leaſt Eight Shilling Sterling a Week free Gain to them. As to the Second, I own that the Forreign News was collected from other News-papers, and I ſuppoſe Mr. Donaldſon has not his News from firſt hands more than I did: But the Truth is, the Courant bore more, for it always bore the Home-news, eſpecially anent our Shipping, which I humbly ſuppoſe was one of the Reaſons of its having a good Report; And Mr. Donaldſon, tho' he had a Yearly Allowance from the Royal Burrows, never touched any thing of that Nature, nor ſettled a Correſpondent at any Port in the Kingdom, no not ſo much as at Leith. As to the Third, It's left to your Grace and Lordſhips to judge if it be a Crime in me, that the Courant had a greater Reputation than the Gazette. Upon the whole, I humbly preſume to ſay, That the Courant was a News-paper publiſhed by Authority, and reckoned by the greateſt part of the Kingdom Uſeful: That Mr Donaldſon's former Bill to this ſame purpoſe was Refuſed. And as to my great Offence, I humbly ſubmit my ſelf to your Grace and Lordſhips Mercy.

May it therefore pleaſe your Grace and Lordſhips, in Conſideration of my Circumſtances, to take the Premiſſes to your Serious Conſideration; And of your Goodneſs and Clemencie, to accept of this my humble Submiſſion: And if your Grace and Lordſhips incline to inflict any Puniſhment on me for my Offence, to mix Mercie with Juſtice, and make the Puniſhment

fuch as may not utterly ruine me; And yet allow me to Print and Publiſh the Courant, notwithſtanding of Mr. Donaldſon's Petition, the Scots News being always Reviſed by the Clerks of Council before inſerting; Without which the Petitioner is utterly ruined.

And your Petitioner ſhall ever pray.

Unto his Grace John Duke of Argyle Her Majesties high Commissioner and Lords of Her Majesties most honourable Privy Council,

The Petition of James Donaldson Writer of the Gazette,

Humbly Sheweth,

That laſt Council day your petitioner had a petition before your Grace and Lordſhips, repreſenting to the effect following, viz. That John Ried younger, printer in Edin^r^, had lately, without your petitioner's warrand and conſent, printed Burial Letters for his own behove, tho' your petitioner has an ample act of your Lordſhips in his favours for the ſole privelege thereof, as the ſame in the Clerk's hands doth teſtify;

And alſo That as Adam Boig had ſuruptitiouſly obtained your Lordſhip's warrant in Feb. laſt to print a News paper, which your petitioner humbly conceived inconſiſtent with your act and privelege in his favours concerning the Gazette, and that firſt Council day following he haſtely prefented a ſhort petition craving the full benefit of his ſaid Act, but it not being then produced, the matter was let fall, ſo that your petitioner forbore any further application till he found himſelf inſuportably leiſed by the ſaid Adam Boig; and it happening that when he was about to apply a ſecond time, Mr Boig fell under your Lordſhip's diſpleaſure, and a ſtop was put to the publication of his print, in which calamity your petitioner ſhared, tho' innocent; and your Lordſhips having cauſed ſummond Mr Boig before you for his ſaid offence, and committed the examination of his affair to a Committee, to know who aſſiſted him in the carrying on of his Courant, (a ſubject extranious to your petitioner's complaint,) it was humbly conceived to be a proper time to repreſent your petitioner's caſe when Mr Boig's Report came in, but his petition being neglected to be then read, he with all imaginable humility and earneſtneſs, begs that now his Act concerning the Gazette, herewith produced, may be taken into conſideration, ſeing hitherto it has not been read in your Lordſhips preſence, nor conſidered in Council, and that the doing any thing in prejudice thereof doth not only utterly ruin your petitioner, who has a numerous family to provid for, (in whoſe miſery your Lordſhips can have no ſatisfaction,) but it derogats from your Lordſhips authority, for if you ſhould think fit to diſpence with your own Acts, all who have

obtained your Lordſhips grants muſt enjoy them precarioufly; and ſeing hitherto it has not been your Lordſhips practice to diſpence with them, it is hoped your Lordſhips will not now begin with your petitioner, whoſe caſe pleads preference to his competitor, tho' their pleas were on an equal footing, and there is no poſſibility of two News Writers ſubſiſting by that imployment in this place. It is further repreſented that your petitioner has not been able to go on with a profitable project of making engines for facilitating of Smith work, the parties who were to have aſſiſted therein having deſerted him upon A. Boig's obtaining leave to print his Courant, leaſt ſome of his temper might, after much expence beſtowed on ſetting up ſuch a work, defeat your Lordſhips Act eſtabliſhing it.

May it therefore pleaſe your Grace and Lordſhips to take into conſideration your petitioners forſaid Acts, herewith produced, and to defern the above John Ried to pay the penalty contained in your Lordſhips act in your petitioner's favours for printing Buriall Letters, for his faid encroachment, and diſcharge Adam Boig to publiſh any more News papers for the future, and to declare that it is your Lordſhips intentions that none print Buriall Letters, or make uſe of the Engines firſt uſed or invented by your petitioner, under the certifications contained in the faid reſpective Acts, during the terms therein mentioned, or at leaſt to appoint a Committee to examine the whole affair, and make report thereof to your Grace and Lordſhips.

And your petitioner ſhall ever pray.

Vnto His Grace the Duke of Argyle, her Majesties High Commissioner; and the Lords of her Majesties most Honorable Privy Councill:

The Petition of James Donaldson, Writer of the Gazette,

Humbly Sheweth,

That your Petitioner having fome Years bygone, Obtain'd the fole Privelege of Publifhing the News, which Project was look'd on as a general Benefit, and hes been Proficute with fo much Care and Diligence, that by this means he made a fhift to fubfift himfelf and Family, and was thereby Supported under the great Loffes he fuftain'd by his early Zeal and Affection to the Government, as is well known to many of your Lordfhips.

Tho this Project encroached on no Man's Province, but was fet on foot by your Petitioner for Supplying the pinching Neceffities he was Reduced to, yet this could not Skreen him from Envy; Adam Boig out of a Defign to Wreft this fmall Benifit to himfelf, contrived with a Printer (formerly employed by your Petitioner, whom he found it his Intreft to difengadge himfelf of) to undertake a News Print under the name of a Courant.

Your Petitioner judging himfelf extremely leifed by this new Encroachment, applyed to your Lordfhips to have the Privelege formerly granted him made effectual, but his Act of

Council not being given in with his Petition, which was haſtily preſented firſt Council Day after Adam Boigs Encroachment, the matter was let fall.

Your Petitioner has ſince produced before your Lordſhips the Act allowing him the foreſaid Priveledge, and craved the full Benefit thereof; and that Mr Boig might be diſcharged to publiſh his News Paper, which was a manifeſt Encroachment upon your Petitioners Right and Privelege, and does altogether fruſtrat and evacuat your Lordſhips Grant in his Favours.

To which Petition Mr Boig has given in a Counter Petition by way of Anſwers, wherein he endeavours to leſſen and depretiat the Gazette, and alledges your Petitioner is at leſs Expence for News than he, tho the Gazette is ſold dearer than his Paper, and pretends the contraverſy is *Res hactenus judicata.*

To which your Petitioner humbly Repreſents, that your Lordſhips Act allowing him the forſaid Privelege, was not under Conſideration at the time Mr Boig pretends it was Cognoſed; and tho the matter were true which he alledges as to the way your Petitioner gets his News, it is of no moment, but the Fact is quite otherways; for your Petitioner gets no news from John Biffet; but has been at conſiderable expence for them, as he can ſhew by the Poſt Maſters Diſcharges: Whereas he has Dyer's Letter without any Price for Coroſponding with him, out of which and paragraphs of the London Courant, coppied verbatim, he makes up his Courant: Whereas the Gazette is a Colection from the moſt famous News Writers, who are look'd on as moſt Impartial and have the beſt Intelligence. It is woundered how Mr. Boig can make

this Repreſentation in your Petitioners laſt Petition to be an acknowledgement that the Courant obtain'd greater Reputation than the Gazette; Or how he can affert that there was never any Domeſtick News in the Gazette, when the contrary is Notour to all who read it.

By all which it will evidently appear to your Lordſhips, how calumnious Mr. Boig's Repreſentation is, and how injurious he is to your Petitioner, in endeavouring to deprive him of his Bread, which he earns with aboundance of Pains, and has cautiouſly and faithfully diſcharged the Truſt repoſed in him, to the ſatisfaction of all unbyaſſed and well affected Perſons; and tho your Petitioner has ſufficient Provocation from Mr. Boig's Acting to his great Prejudice; yet ſeing he is at preſent under your Lordſhips Cenſure, he forbears any Reflections at the time.

Your Grace and Lordſhips are entreated to conſider, that the Motives for granting your Petitioners foreſaid Privilege were, becauſe the Project was his own Invention, and that it would in ſome meaſure help to repair his Loſſes ſuſtained as aforeſaid, the ſame Reaſons ſubſiſt ſtill; and therefore it is hoped your Lordſhips have not altered your favourable Inclination, ſeing there is nothing done on your Petitioners part to merit your Diſpleaſure: and tho at firſt granting of your Petitioners Privelege, it was voluntary and entirely owing to your Lordſhips Bounty, yet being paſt into an Act, it bears a *Jus quæsitum;* and any thing done in prejudice thereof derogats from your Lordſhips Authority, which unleſs ſtrictely obſerved, none who obtains Gifts can be ſecured; and it is an uncon-

traverted Principle in Law, that all Priveleges are to be underſtood in the moſt favourable, ample and extended Senſe, and no ways reſtricted; whereas if this Infringement be allowed, it may encourage ſome of Mr. Boig's Temper, to make the like Attempts upon other Acts granted by your Lordſhips, which would be of bad Conſequence.

In anſwer to an objection which may be made, as if your Petitioner's Requeſt did imply a Monopoly, it is urged, that in this Caſe there is no Inhaunſing of employment into one hand which can be divided among many, for with much difficulty did your Petitioner ſubſiſt by the Gazette while he had no Competitor, and all who attempted to publiſh News Papers in this Kingdom before him, were always obliged to give it over as impracticable, becauſe of the ſmall numbers of people who buy News-papers, ſo that it's not poſſible for two to Subſiſt thereby; and if your Lordſhips ſhould allow two, the Reſult muſt be, that he who could bear out longeſt by underſelling and wreiſting Cuſtomers from the other muſt carry it, and your Petitioner is informed that ſeveral perſons who bears him no good will, promiſe to aſſiſt Mr. Boig to a years Expence of the Courant, that he may underſel, outweary and quite ruine your Petitioner, to whom its hoped your Lordſhips will not afford a Handle, to perpetrat their Deſigns; eſpecially ſeing the Motives which Induced your Lordſhips to favour your Petitioner at firſt, do ſtill ſubſiſt; yea, and even encreaſe, becauſe his Family is greater, and beſides the Project on which his Competitor would intrude, is his own, and is improved beyond what it ever was in this Kingdom before, in which

caſe even Monopolys are uſually allowed, to Inventers and Improvers, for 19 years or ſome conſiderable ſpace.

May it therefore pleaſe your Grace and Lordſhips, to Conſider the Act in your Petitioner's favours concerning the Gazette, herewith produced, to confirm and Ratify the ſame, and to diſcharge Adam Boig to publiſh any News Print for the future; and alſo to declare, that it is your Grace and Lordſhips Intention, that Your Petitioner's other Acts concerning printing Burial Letters and new Invented Engines, facilitating of Smith Work, ſhall ſtand in full Force, according to their reſpective Tenors; and that none Print Burial Letters, or make uſe of the ſaid Engines dureing the reſpective Terms mentioned in the ſaid Acts, under the Certifications therein contained.

And your Petitioner ſhall ever pray, &c.

Further Representation of James Donaldson.

Your Lordſhips petitioner did in his former petition, repreſent, That upon Adam Boig's obtaining leave to publiſh a News print, ſeveral perſons who were contracting with your Petitioner, for ſeting up a Fire Arm Manufacture, deſerted him, and that he was threatened by ſome Printers in town, that they would print Burial Letters notwithſtanding of your Lordſhips Grant in his favour for the ſole privelege; and actualy ſince the drawing of this laſt petition, John Ried,

younger, printer, has without the warand or conſent of your petitioner, printed Letters to the Funeral of Mr Dunlop, Miniſter at Kirkowan, by which deed, and the foreſaid conſequences of Adam Boig's obtaining leave to publiſh News, your Petitioner is not only utterly ruined, but your Lordſhips authority is diſregarded and like to be contemned, if your Lordſhips do not vindicat the ſame in granting the deſire of your petitioners petition.

HOLYROOD-HOUSE, 24 JULY 1705.

His Grace her Majeſties high Commiſſioner and the Lords of her Majeſties Privie Councill having conſidered the above Petition given in to them by James Donaldſone writer of the Gazette and the ſamen with ane other petition by Adam Boig being read in their preſence his Grace and the ſaids Lords doe hereby Grant warrant to the ſaid James Donaldſone to ceite the ſaid Adam Boig to appear before the Councill next Councill day to debaite as to the ſubject matter contained in both petitiones And in the mean time allowes Adam Boig to ſee and anſwer Donaldſones petitione And his Grace and the ſaids Lords doe heireby take off the former ſtop given by their Lordſhips to the printing of the Gazet and allowes the ſaid James Donaldſone to print and publiſh the ſamen as formerly in the meantyme ay and whyle farder orders of Councill thereanent.

SEAFIELD *Cancellar. I. P. D.*

Recommendation to the Committee to meet anent Adam Boig.
EDIN^{R} 25 AUGUST 1705.

HIS Grace her Majeſties high Commiſſioner and the Lords of her Majeſties Privie Councill Doe heireby nominate and appoint the Lord Juſtice Clerk Mr Francis Montgomery and Blacader to be a Committee to call for Adam Boig Author of the Currant and cauſe him condeſcend who are partners with him in publiſhing the ſaid Currant And Recommends to the ſaid Committee to meet on Monday morning at ten o'clock in the forenoon and Declaires any two a Quorum and Report.

SEAFIELD *Cancellar. I. P. D.*

Procedor of the Committee anent Adam Boig, author of the Currant.

SEDERUNT—Lord Juſtice Clerk and Sir John Home of Blacader and afterwards Mr Francis Montgomerie cam in.
ED^{R} 29 AUGUST 1705.

THE Committie haveing called for Adam Boig and examined him in the termes of the Remitt That he ſhould condeſcend who were his partners in publiſhing of the Currant Declares he hes no partners As for the forraigne news he takes them from the prints For the home news he hes them from perſons concerned in the Cuſtome offices at the ſeverall ports except Aberdein which he hes from one Cruckſhanks who keeps a

publict Coffe houſe there As to any thing wherin the Government might be concerned he waited on the Clerks of Council only as to that Advertiſment concerning Mr Hodges Book he acknowledges he was impoſed upon And humbly beggs pardon for it And engadges never to do the lyke for the future And humbly beggs that the Lords of her Majeſties moſt honorabill Privie Councill will be pleaſed to take off the ſtop to publiſhing his Currant which is the only mean of his liveliehood and ſubſiſtance.

ADAM BOIG.

It's the opinion of the Committie that the ſtopp may be taken off the ſaid Adam Boig Enacting himſelf never to publiſh any thing concerning the Government till firſt it be reviſed by the Clerks of Councill And that under ſuch penaltie as the Lords of Privie Council ſhall think fitt.

Ad: Cokburne.
John Home.
F. Montgomerie.

Holyroodhouse 2 October 1705.

His Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privy Councill haveing conſidered the petition given in to them by Adam Boig with the within Report of the Committy of their own number appoynted thereupoun and the ſamen being read in their preſence his Grace and the faids

Lords have approven And heirby approve thereof And have taken off and heireby takes off the ſtope formerly made by their Lordſhips to the ſaid Adams printing and publiſhing the Currant And have permitted and allowed and heireby permitts and allows the ſaid Adam Boig to publiſh and print the ſaid Currant as formerly upon his enacting himſelfe in the books of Privy Councill That he ſhall publiſh nothing concerning the Government till firſt the ſamein be reviſed by the Clarks of Privy Councill and appoynts and ordaines the Clerks forſaid to reviſe the ſamein accordingly.

SEAFIELD *Cancellar. I. P. D.*

Enactment by Adam Boig 5th October 1705.

Be it knowen To all men be thir preſents Me Adam Boig author of the Edinburgh Curant Forafmuch as the Lords of her Majeſteis Privie Councill be their act of the date the ſecond day of October inſtant did take off the ſtop formerly made by their Lordſhips to my printing and publiſhing the Curant and allowed me to publiſh and print the ſamen as formerly upon my enacting of my ſelfe to the effect efter mentionat Therefore Witt ye me to be bound obliedgd and enacted Likeas I be the tenor heirof bind obliedge and enact my ſelfe in the books of her Majeſties Privie Councill That I ſhall publiſh nothing in my Curant concerning the goverment till firſt the ſamen be reviſed by the Clerks of her Majeſties Privy Council And I conſent to the regiſtratioun hereof in the books

of her Majeſties Privie Councill to have the ſtrength of ane decreet that letters on ſix dayes and others if need be's may be direct hereon In form as effeirs And to that effect Conſtituts My procurators In witnes whereof written be John Braid writter in Edinburgh I have ſubſcrivit thir preſents at Edinburgh the fifth of October I^m VII^c and five years before theſe witneſſes David Caw writer in Edinburgh and the ſaid John Braid.

Adam Boig

David Caw *Witnes.*
J^o Braid *Witnes.*

Act in favours of Mr James Anderson, Writer to the Signet, for a liberty of corresponding with France.

Unto his Grace The Duke of Argyll Her Majesties High Commissioner And to the Right honorabill The Lords of her Majesties most honorabill Privy Council

Mr James Anderson writer to her Majesties Signet

Humbly Sheweth

That in purſuance of the Recommendation of the Parliament he is proceeding to give an Account of the ancient Charters and Seals of the Kings of Scotland And being cre-

dibly inform'd That there are feveral original ancient Charters of the Kings Nobles and Churchmen of Scotland in the Scots Colledge of Paris in France and that there are alſo ſome ancient authentick Chartularies in that place.

May it therfore pleaſe your Grace and Lordſhips to allow your Petitioner to correſpond with perſons in France for procureing tranſcripts of the faids Charters and draughts of their Seals he alwiſe ſhowing his Letters and Returns to any your Grace and Lordſhips ſhall nominat As alſo May it pleaſe your Grace and Lordſhips to Prohibite and Diſcharge the Reprinting Selling or Importing into this Kingdom the Book compoſed by him Intituled, An Hiſtorical Eſſay ſhewing That the Crown and Kingdom of Scotland is Imperial and Independent, without your Petitioners conſent, and that for ſuch a ſpace and under ſuch penalties as your Grace and Lordſhips ſhall think fitt And your Petitioner ſhall ever pray.

Holyroodhouse 4th October 1705.

His Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privie Counſell, having conſidered the within Petition, given in to them by Mr James Anderſon Writer to her Majeſties Signet, and the ſamen being read in their preſence, His Grace and the faids Lords doe heirby permitt and allow the Petitioner to correſpond with perſons in France, for procureing tranſcripts of the antient Charters and Sealls of

the Kings of Scotland, The Petitioner always communicating his letters that he ſhall ſend to France and the returns that he ſhall have to the ſamen, To the Lords Thefaurer deput, Advocat, or Juſtice Clerk, or any one of them; and His Grace and the ſaids Lords Grants to the Petitioner the ſole power, priviledge and liberty of printing, vending, and ſelling the book entituled Ane Hiſtoricall Eſſay, ſhewing that the Crown and Kingdome of Scotland is Imperiall and Independent, And diſcharges all other perſons whatſomever to print, reprint, vend, ſell, or import into this kingdome any of the ſaids books for the ſpace of nynteen years from the date heirof, without the Petitioner or his airis or aſſigneyes ther ſpeciall licence, liberty, and leave for that effect, And that under the penaltie of fyve hundreth merks Scots money, to be payed to the Petitioner or his forſaids, by and attour the confiſcation of the ſaids books to the Petitioner allenerly.

SEAFIELD, *Cancellar. I. P. D.*

Act in favours of Robert Monteith.

Unto the Right Honourable the Lords of Her Majesties most Honourable Privy Council, The Petition of Robert Monteith, Master of Arts,

Humbly Sheweth,

That there have come into your Petitioners hands an ancient and elegant Epitaph upon the never to be forgotten King James the Sexth, entituled An wounded heart ſacrifized in tears, &c. holograph by Walter Stewart of Eymouth Loan-

head, the authour. As likewayes, ane ingenious and facetious rythmical Poem in Latine, entituled *Vetus querela eaque Rythmica de fide erga Deum et homines in mundo fere extincta*, both herewith produced; And whilk papers wold be very pleaſand and acceptable to many people, if your Lordſhips wold allow your Petitioner to print, reprint, and vend them in maner underwritten.

May it therfor pleaſe your Lordſhips to grant and allow to your Petitioner, his airs or aſſigneyes, the ſole power, liberty, and priviledge for the ſpace of Ten yeares after your act theranent, To print, reprint, vend and ſell the ſaids two papers entituled as above; And to diſcharge all other perſons within this kingdom for the ſpace forſaids, To print, reprint, import, vend or ſell the ſaids two papers above-mentionat, or any of them, without conſent of your Petitioner or his foreſaids, under the paine of ten pounds Sterling, to be payed be each contraveener *toties quoties* to the Petitioner or his foreſaids for each tranſgreſſion in the premiſſes anent any of the two papers above-mentionat, attour confiſcatioun of the Copies to be printed, reprinted, imported, vended or ſold in defraud and prejudice heirof.

And your Petitioner ſhall ever pray.

EDINBURGH 20 NOVEMBER 1705.

THE Lords of her Majeſties Privie Counſell haveing conſidered the within petition given in to them by Mr Robert Monteith, Maſter of Arts, and the ſame being read in ther preſence, The ſaids Lords doe heirby Grant and allow to the Petitioner, his airs and assigneys, the ſole liberty and priviledge to print, reprint, vend and ſell the antient Epitaph upon King James the Sixth, Entituled Ane wounded heart ſacrificed in tears, &c. by Walter Steuart of Eymouth, author therof; as alſo, ane ingenuous and facetiouſe Rhythmicall Poem in latine, entituled *Vetus querela eaque Rhythmica de fide erga Deum et homines in mundo fere extincta*, And prohibits and diſcharges all other perſons whatſomever to print, reprint, vend, ſell, or import the ſaids two papers above-mentioned, or any of them, without the petitioner or his foreſaids their licence and liberty had therto; And that for the ſpace of tenn years from the date heirof, under the penalty of ane hundreth and twenty punds Scots money, to be paid to the Petitioner or his foreſaids by the perſons contraveining this preſent act, by and attour the confiſcatioun of the ſaids two papers and forfaulture forſaid.

SUTHERLAND, *I. P. D.*

EDINBURGH 22 NOVEMBER 1705.

RECEAVED up by me, Mr Robert Monteith, within and above deſigned, the Epitaph and Poem, being the two papers

mentioned to be produced with the within Petition, I ſay receaved the ſame by me.

R. Monteith.

Act in favours of Agnes Campbell, relict of Andrew Anderson, Her Majesties Printer.

Unto the Right Honourable the Lords of Her Majeties most Honourable Privy Council,

The Petition of Agnes Campbell, Relict of Andrew Anderson, Her Majesties Printer,

Humbly Sheweth,

That where your Petitioner, by my Lord Regiſters licence, being about to print the Acts of Parliament of King James the 7th, and Acts ſince the Revolution, in a ſmall Volume for the more eaſe and accommodation of the whole Liedges, And your Lordſhips authority being neceſſary to be had thereto, leaſt that others may preſume to reprint or import the ſaids Acts into this kingdom in any Volume whatſoever, to your Petitioners great prejudice and diſcouragement, contrary to her right and priviledge to do the ſame; and that your Petitioner, as ſaid is, obtained my Lord Regiſter his licenſe and conſent to print the ſaid Acts:

May it therefore pleaſe your Lordſhips not only to in-

terpone your authority to the printing of the ſaid Acts of K. J. the 7th, and Acts ſince the Revolution, either in great or ſmall Volumes, by the Petitioner or her Aſſigneyes, but alſo prohibit and diſcharge all other perſons whatſoever to print, reprint, ſell, vend, or import into this kingdom any of the above ſaid Acts, in any Volume or form whatſoever, for the ſpace of 19 years after the date of the ſaid Acts, without the Petitioner or ſuch as ſhall have right from her, their licence and libertie had thereto; and that under the penalty of 500 merks, *toties quoties*, to be paid to her or her aſſigneyes by the perſons contraveeners, by and attour confiſcation of the books.

Edinburgh, 20 November 1705.

The Lords of her Majeſties Privie Councill haveing conſidered the within Petition given in to them by Agnes Campbell, Relict of Andrew Anderſon, Her Majeſties Printer, and the ſamen being read in their preſence, The ſaids Lords have interponed, and hereby interpones their authoritie to the Petitioner or her aſſigneyes their printing of the Acts of Parliament of King James the Seventh, and Acts ſince the Revolution, either in great or ſmall volumes, and prohibits and diſcharges all other perſons whatſomever to print, reprint, ſell, vend, or import into this kingdome any of the ſaids Acts of Parliament in any volume or form whatſomever for the ſpace

of nynteen years after the date heirof, without the Petitioners or ſuch as ſhall have right from her, their licence and libertie had thereto; and that under the penaltie of fyve hundreth merks Scots money, *toties quoties*, to be payed to the Petitioner or her aſſigneyes by the perſons contraveening thir preſents, by and attour confiſcation of the ſaids books, The price of the ſaids Books being alwayes regulat by the ſaids Lords.

SUTHERLAND, *I. P. D.*

Edinburgh, 20 November 1705.

The Lords of Her Majeſties Privie Counsell doe heirby appoynt and ordaine the Actis paſt in the laſt Seſſion of Queen Anns Parliament, to be ſold at one pund ten Shilling Scots, and Diſcharges Mrs Anderſon, her Majeſties Printer, to exact any more for the ſamen.

SUTHERLAND, *I. P. D.*

Act in favours of James Porterfield, Schoolmaster in Edinburgh, for printing a Book.

Unto the Right Honourable The Lords of Her Majesties most Honourable Privie Councill, The Petition of James Porterfield, Schoolmaster in Edinburgh,

Humbly Sheweth,

That where the Petitioner, after a great deall of pains,

has compiled a little book entituled Edinburghs Engliſh Schoolmaſter, containing in thretty-ſix leſſons all the words in the Old and New Teſtament, with the Catechiſme and Inſtructions therwith, being the eaſieſt way to ſpell and read either Engliſh or Latine that ever was publictly knowne to this day, Examined and approved by the Colledges of Edinburgh and Glaſgow: And albeit the ſaid book be the effects of the petitioners toyll, yet the advantage thereof may accreſs to others, who may reprint and vend the ſame, unleſs your Lordſhips provyd remeid.

May it therefore pleaſe your Lordſhips to allow to the Petitioner the ſole priviledge of printing, reprinting, vending or ſelling of the ſaid book, And to diſcharge all others from printing, reprinting, diſpoſeing upon, importing, vending or ſelling the ſamen within this kingdome, without the Petitioners allowance, for the ſpace of nyntein years, under the penaltie of ſyve hundreth merks, *toties quoties*, by and attour confiſcating of the ſaids books, conforme to your Lordſhips dayly practique in the lyke caſes.

And your Petitioner ſhall ever pray.

Edinburgh, 29 November 1705.

The Lords of her Majeſtie's Privy Councell haveing conſidered the within petition given in to them by James Porterfield, Schollmaſter of Edinburgh, and the ſamen being read in

their prefence, the faids Lords doe herby allow and grant to the Petitioner the fole priviledge of printing, reprinting, vending or felling of the book entituled Edinburghs Engliſh Scholmaſter, and diſcharges all others from printing, reprinting, vending, felling, diſpoſing upon, or importing into this kingdome, any of the faids books for the ſpace of nynteen years from the date herof, without the Petitioner's licence for that effect, and that under the penalty of fyve hundered marks, *toties quoties*, to be paid by the contraveeners to the petitioner, by and attour confiſcation of the faids books.

CRAFURD, *I. P. D.*

EXTRACTS FROM THE RECORDS OF THE BURGH OF THE CANONGATE NEAR EDINBURGH.

MDLXI—MDLXXXVIII.

BURGH OF THE CANONGATE.*

Curia capitalis burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem post festum Sancti Michaelis Archangeli coram Johanne Hart et Johanne Oswalde ballivis dicti burgi necnon curia regalitatis et baronie de Brochtoun tenta in dicto pretorio coram Johanne Logane ballivo dicte regalitatis et baronie specialiter constituto primo die mensis Octobris Anno domini I^{m} V^{c} *sexagesimo primo Curia affirmata et sectis vocatis.*

Absentes.

Alexander Bruce of Arth for his landis of Arth
Patrik Cockburne of Clarkintoun for his landis of Ogilface
Johnne Forrest James Polwart for thair landis of Prestoun
Dauid Hammiltoun of Prestoun for his landis of Prestoun

* These Extracts are printed from a volume of Proceedings of the Burgh of the Canongate, discovered some time ago in private possession, and lately restored to the Magistrates. It is entituled, "*Liber Consilii Burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh ac Registri Cartarum Communitatis ejusdem.*"

Williame Hurne of Lochtullo for his landis of Lochflat
James Erle of Arrane for his landis of Kerse
James Gil for his landis of Ogilface
Williame Hammiltoun for his landis of
Robert Carncorse of Couslie for bak Spittall and foir Spittall
Johnne Scott Alexander Livingstoun the relict of Johne Rob James Sword George Levingstoun for thair landis of Falkirk
James Dennestoun wife for hir ackeris besyde Linlithgow
Oliuer Sinclere for his landis and baronie of Quhitekirk
——— Broun of Colstoun for his landis of Sanderisdaill
The relict of Maister Dauid Bothwell for the landis of Meldrummisheugh
Maister George Creichtoune for his landis of Halkerstouncroft James Forret for his landis of Quhitecroft
The relict of vmquhill Hew Douglas for the landis of Lytill Fasyde
Robert Carncorse for his landis of Reiddoch
——— Wdart Henrie Setoun for the landis in Sanct Leonardis
James Achesoun for Barbour landis
The relict of George Touris for hir parte of the landis of Brochtoun and Walkmylnis
Maister Thomas M^c^Calzane for his parte of the landis of Brochtoun
Johnne Lermont for the landis of Sauchtoun.

Absentes infra burgum vicicanonicorum.

The prebendaris of the Trinitie College Johne Portows Williame Quhite the relict of Williame Gray Marione Forrester the prebendaris of Restalrig Johnne Patersoun the relict of James Smyth the relict of Maister Dauid Bothwell Johnne Broderstanis James Gray Patrik Johnestoun Patrik Archar Thomas Reidpath the cheplane of Alhallow

altar the Frenche Provest Merchell Robert Bell the relict of Alane Andersoun Alexander Mauchane Johnne Murray Jonete Crunzeane Oliuer Sinclere Cristiane Langmuir Johnne Warrok Cuthbert Fergussoun Mark Stevingstoun George Forman James Thomsoun Gilber Geichane Thome Huntar George Forman Andro Purves the relict of James Hendersoun Johnne Blakburne Fernauld Coquile James Lamb the dekin of the masons and the wrychtis.

Quo die Georgius Makcube factus est burgensis dicti burgi pro certa summa pecunie solvenda ad voluntatem ballivorum.

Quo die Johannes Manvall factus est burgensis dicti burgi pro certa summa pecunie solvenda ad voluntatem ballivorum et Juratus est.

Curia burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. tertio Octobris Anno I^{m} V^{c} *lxi°.*

The Baillies for this yeir.—The quhilk day the Counsale and maist parte of the communitie of this burgh hes continewit the said Johnne Harte James Wilke in the office of baillierie for this burgh for this present yeir And als hes chosin to be with thame Johnne Logane Johnne Achesoun and Williame Quhite baillies for the said yeir And the saidis Johnne Harte James Wilke Johnne Logane Johnne Achesoun acceptit the said office upoune thame and maid faith in Jugement to exerce in thair offices lelele and treulie And Ordanis the said Williames aith to be tane.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem coram Johanne Harte ballivo Necnon curia regalitatis tenta in dicto pretorio coram Johanne Logane ballivo ejusdem octavo die mensis Octobris Anno I^{m} V^{c} *lxj°.*

The quhilk day Williame Quhite maid faith in Jugement to exerce the office of baillierie in this burgh for this present yeir lelele and treulie.

John Young Gibson souertie to enter Johne before the Barroun Baillie.—The quhilk day Johnne Young baxter become souertie to enter Johnne Gibsoun befoir the foirsaid barroun baillie this day xv dayis within the toulbuith foirsaid to underly the law for the allegit mutilatioun of Johnne Smyth and utheris crymes continit in the foirsaid barroune baillie precepte direct thairupoune vnder the pane of ane hundreth merkis And the said Johnne Gibsoun oblist him and his airis to releif and keip skaithles the said Johne Young of the said souertie.

Robert Muir souertie to enter Johnne Smyth.—The quhilk day Robert Muir Baxter become souertie to enter Johnne Smyth befoir the said barroune baillie this day xv dayis within the toubuith foirsaid to underly the law.

Decimo die mensis Octobris Anno I^{m} V^{c} *lxi°.*

Henrie Hatmaccar.—The quhilk day Henrie Hatmaccar induellar in Leyth vpoune the north side thairof maid faith in Jugement that he dred bodilie harme to be done to him be James Andersoun.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem coram Johanne Harte Jacobo Wilke et Johanne Achesoun ballivis dicti burgi Necnon Curia regalitatis et baronie de Brochtoun tenta in dicto pretorio coram Johanne Logane ballivo ejusdem decimo quinto Octobris Anno I^{co} V^{c} *lxi Curia affirmata.*

Thomas Watsoune.—The quhilk day comperit Johnne Dowglas of Haththornedaill baillie to James Erle of Mortoun and be vertew of his commissioun of ballierie producit in Jugement desirit that the said barroune baillie Thomas Watsoun in Dalkeith to be replegit to the said heid Court of regalitie atteichit and persewit be Robert Aittoune burges of the said burgh and ansuerit the said Robert and allegit in respect of his clame berand wrangus intromissioun with the horse clamit being in his possessioun apprehendit within this friedome in the regalitie foirsaid That the said barroune baillie is compitent Judge therto *ratione rei de qua agitur* and aucht not to admit the said replegeatioune bot the said Thomas Watsoun aucht to ansuer And als in respek that the said replegeatioune beris nocht the said Thomas name in speciale And als in respect of the commoune pratik the said barroune baillie continewit the interloqutour gevin heirupoune to this day viij dayis.

Alexander Robesoun.—The quhilk day compeirit Alexander Robesoun and acceptit the Bill gevin aganis him be Jonete Leis in safar as it maid for him and allegit that the samin is manifest inept and ane ineptitude may be proponit in ony tyme afoir the pronuncing of the sentence be ressoun the bill contenis na relevant caus albeit it were provin as it beris In

respect that thair is na thing libellit that the said Alexander wes subject to the said Johnne Gibsoun commandement bot rather inferrand the contrar that he is commissionar him selfe And als it contenis na uthir caus quhairfor the xx li contenit in the clame suld be gevin to Jonet Leis of dew or quhat ressoun that the said soume pertenis to hir sen he nocht is subject to obey the preceptis nor commandementis of Johnne Gibsoun thairfor as the bill is consavit albeit it wer all cleirlie provin na Jugis may gif sentence thairintill sen it is propirlie the Jugis parte to seik out the ineptitudis and gif absolvitour thairby quhowbeit the party apponit it nocht Comperit the said Jonete and desirit proces and allegit na exceptioun suld be ressauit now be ressone the clame is referrit to probatioun and denyit be the party The foirsaidis baillies continewis the gevin of interloquutouris heirintill to this day viij dayis and baith the parteis warnit thairto *apud acta*.

Quo die Magister Johannes Balfour factus est burgen. predicti burgi per prefatum Johannem Harte ballivum pro certa summa pecunie per solven. ad voluntatem prefati ballivi et Juratus est.

William Lang.—The quhilk day the baillies decernis and ordanis Williame Lang to deliuer to Petir Dowglas ane cullourdory cloik now being in the said Williames possessioun and allegit be the said Petir to pertene to him and wranguslie tane fra him furth of Sanct Andros in September last bipast becaus he previt the said cloik to pertene to him as wes sufficientlie knawin to the saidis baillies And decernis the said Petir to pay to the said Williame incontinent xx s of his awin consent in recompensatioune of the money debursit be the said Williame Lang for the said cloik.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. vicesimo secundo die mensis Octobris Anno I^m V^c *lxj° Curia affirmata.*

Thomas Watsoun.—The quhilk day the foirsaid barroune baillie contenewit the denunciatione of the interloquitour anent the repleagin of Thomas Watsoun in Dalkeith to the court of the regalitie of the samin to this day viij dayis And comperit James Williamesoun ane of the baillies of the said regalitie and disassentit fra the said continewatioun and protestit that the said Thomas comperance hurt nocht the lorde of the said regalities priuelege.

Richert Forest.—The quhilk day Richert Forrest [allegit] that the proclamatioun of his breve rasit be him as brothir and air to umquhill Sir Williame Foirhous cheplane wer sufficientlie provin and that na partie comperit to object aganis the samin.

Inquisitio Forrest.

James Harte	Thomas Craufurde	Johnne Ranne
Robert Muir	Robert Purves	Johnne Kirkwode
Johnne Murdoch	Williame Smeberde	Thomas Sandersoun
Johnne Young	Dauid Scroghe	Johnne Bernis
Johnne Huntar	Andro Purves	Alexander Mathesoun

Forest.—Qui Jurati dicunt quod quondam Dominus Willielmus Foirhous Capellanus frater Ricardi Foirhous burgen. dicti burgi latoris presentium obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem supreme Domine nostre Regine Et quod dictus Ricardus est legitimus

et propinquior heres dicti quondam Willielmi sui fratris Et quod est legitime etatis In cuius rei testimonium sigilla quorundam eorum qui dicte Inquisitioni intererant faciendum sub inclusione sigilli dicti Jacobi Wilke unius ballivorum dicti burgi unacum brevi capelle Commendatarii dicti monasterii intus clauso presentibus sunt appensa anno die mense et loco prescriptis.

John Young.—The quhilk day Johnne Young burges of the foirsaid burgh as pleage and souertie for the entre of Johnne Gibsoun to haue underlyne the law for the mutulatioun of Johnne Smyth baxter als burges of the said burgh of his tholme of his rycht hand and wondin of him in his heid As at mair lenth is contenit in the said Justice precepte direct thairupoun being oftymes callit to have enterit him befoir the said Justice the foirsaid day and place and nocht comperand the said Johnne Young wes adjugit for his nonentre in the pane of ane hundreth merkis And als the said Johnne Gibsoun nocht enterand and comperand as said is wes adjugit to be decernit our Souerane Ladeis rebell and put to hir horne and all his moveable gudis to be eschetit to the lorde of the said regalitie use as fugitive fra the lawis for the foirsaidis crymes.

Agnes Aittoun.—The quhilk day the baillies decernit and ordanit Agnes Aittoun to content and pay to James Harte xxix ti iiij s within terme of law for xvi bollis xv peckis and ane ferd part of ane peck of beir cheretit both and ressauit be hir servitour fra the said James fyve or sex dayis eftir Witsonday last bipast or thairby to hir utilite and proffett and that be vertew of hir awin confessioun.

Robert Muir.—The quhilk day Robert Muir enterit Johnne Smyth in jugement as he that become souertie for his entres this day to vnderly the law.

Margaret Symsoun.—The quhilk day the baillies foirsaidis decernit and ordanit Margaret Symsoun to content and pay to Williame Robesoun fourtie sex ʃ viij d for the maill of ane duelling hous of the said Williame land liand within this burgh occupiit be hir of the terme of Witsonday last bipast.

Dauid Wilsoun.—The quhilk day the saidis baillies decernis and ordanis the spous of Dauid Wilsoun baxter to content and pay to Williame Robesoun xxx ʃ within terme of law for the maill of ane duelling hous occupiit be hir and hir said spous and awand be thame of the termes of Martimes and Witsonday last bipast.

Robert Dauidsoun.—The quhilk day the foirsaidis baillies assolʒeit Robert Dauidsoun baxter fra the clame of Robert Johnnestoun of the sowme of viij merkis as price for ane quhite horse pertenyng to the said Robert Johnestoun and allegit be him that he wes hurt be the said Robert Dauidsoun and his leg brokin quhairthrow the said horse deit within viij dayis thaireftir quhilk he committit be the space of ane yeir last bipast or thairby And that be vertew of the said Robert Dauidsoun aith maid thairupoun referrit thairto be the party.

James Spottiswode.—The quhilk day the foirsaidis baillies assolʒeit Dauid Scroghe fra the clame of James Spottiswode of ane quhite wob as bocht be the said James fra the said Dauid be the space of viij dayis last bipast for the sowme of four li the scoir be vertew of the said Dauid aith maid thairupoun referrit thairto be the party.

William Young.—The quhilk day the foirsaidis baillies decernit and ordanit Williame Young to content and pay to Elizabet Torrens viij ʃ vj d within terme of law for certane aill bocht and ressauit be Catherne

Cuthbertsoun the spous of the said Williame fra the said Elizabet Torrens be the space of vj oulkis last bipast or thairby.

Robert Johnestoun.—The quhilk day the foirsaidis baillies decernit and ordanit Robert Johnestoun to content and pay to Robert Dauidsoun iij ℔i within terme of law and that in compleit payment of viij merkis awand be the said Robert to the said Robert Dauidsoun for the maill of ane duelling hous occupiit be him liand within this burgh fra Witsonday in the yeir of God I^{m} V^{c} lx yeris to Witsonday nixt and immediat thaireftir And gif neid beis ordanis Patrik Johnestoun as souertie for the said Robert Johnestoun to be poindit thairfor.

Patrik Arnot.—The quhilk day the foirsaidis baillies decernit and ordanit Patrik Arnot to content and pay to Elizabeth Aikin iij ℔i xvij ℥ within terme of law for meit and drink furnessit be the said Elizabeth to him within hir duelling hous within Edinburgh fra Sanct Gelis at last wes bigane ane yeir to Sanct Andro day nixt thaireftir And that be vertew of his awin confessioun maid thairupoun in Jugement.

James Dauidsoun and Alexander Steill banist.—The quhilk day James Dauidsoun and Alexander Steill apprehendit with ane blak cloik and becaus thai culd get na werrand thairto wer baneist of thair consent the fredome of this burgh during thair lyftymes.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. vicesimo nono die mensis Octobris Anno Domini I^{m} V^{c} *lxi*^{o} *Curia affirmata.*

Alexander Robesoun.—The quhilk day comperit Alexander Robesoun and demandit at Jonet Leis gif scho wald abyd at the persute of the bill gevin in be hir aganis him and scho ansuerit scho wald.

Thomas Watsoun.—The quhilk day comperit Alexander King procuratour for Thomas Watsoun in Dalkeith and allegit that thair wes na thing qualifeit in the clame gevin in be Robert Aittoun aganis the said Thomas bot alanerlie apprehensioun of the horse contenit in the clame tane vpoun the he gait quhilk makis the said barroun baillie na Juge thairto and thairfor the said Thomas aucht to be repleagit The said barroun baillie continewit the interloquitour upoun the said replegeatioun to this day viij dayis.

William Allane.—The quhilk day the foirsaid barroun baillie assolȝeis Williame Allane fra the clame of Henrie Jamesoun of four ℔ allegit awand to him for certane tymmer bocht be the said Williame fra the said Henrie be the space of ane yeir last bipast and als of v ℔ in likuayis allegit awand to him be the said Williame for ane hat and that be vertew of his aith maid thairupoun referrit thairto be the party.

William Murray.—The quhilk day the foirsaidis baillies decernit and ordanit Williame Murray to content and pay to James Lowrie burges of Edinburgh xx ℔ within terme of law for two stanis of Irne bocht and ressauit be the said Williame fra the said James within the burgh of Edinburgh be the space of xx dayis last bipast and that be vertew of the said James aith maid thairupoun referrit thairto be the party.

Andro Donaldsoun.—The quhilk day the foirsaidis baillies decernit and ordanit Andro Donaldsoun to content and pay to Robert Muir xxxi ℔ within terme of law and that in compleit payment of vj merkis viij ℔ x d awand be him to the said Robert for the maill of ane thrid part of ane berne kill and cobill occupiit be him liand within this burgh of termes bipast and that be vertew of the said Roberts aith maid thairupoun referrit thairto be the party.

Elesone Lindesay.—The quhilk day the foirsaidis baillies decernit and ordanit Elesone Lindesay to content and pay to Cuthbert Fergussoun l ℔ within terme of law for the maill of ane hous occupiit be the said Elesone and set to hir be the said Cuthbert and awand of the termes of Martimes and Witsonday last bipast becaus scho grantit the said sowme and allegit that the said Cuthbert tuik Johnne Moresoun dettour thairfor quhilk being referrit be the said Alesoun to his aith deponit the contrare.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. quinto die mensis Novembris Anno I^{m} V^{c} *lxj*^{o} *Curia affirmata.*

John Gibsoun.—The quhilk day comperit Johnne Gibsoun and producit in Jugement ane writing direct to the foirsaid barroun baillie as Justice of the said regalitie subscrivit with the hand of Robert Commendatar of the Abbay of Halirudhous of the quhilk the tennour eftir followis Justice of the regalitie and baronie of Brochtoun greting fforsamekle as Johnne Young wes vnlawit befoir you for the non entrie of Johnne Gibsoun as souertie for him to vnderly the law ffor the allegit mutilatioun of Johnne Smyth of his rycht tholme And als the said Gibsoun decernit to be denunceit our souerane lady rebell for his non comperance Albeit in veritie it is cleirlie knawin to us that the said Johnne Gibsoun the tyme that he wes vnlawit wes seik liand in Aittoun in the Merse in parrall of his life and mycht not travell It is our will heirfor and we charge you that ye tak new souertie of the said Johnne Gibsoun that he sall compeir at sic ane certane day as ye pleis assigne and put him to the knawlege of ane assize for the said cryme and in the mentyme that ye discharge the clerk of our said regalitie to gif na actis furth of his buikis aganis the said Johnne and his souertie in the Actioun foirsaid

As ye will ansuer to ws thairupoun Subscriuit with our hand at Edinburgh the fyft day of November the yeir of God I^{m} V$_{c}$ lxi yeris And eftir the reding of the quhilk writing the said Justice assignit to the said Johnne Gibsoun and Johnne Smyth fryday nixt to cum to compeir befoir him in the foirsaid toulbuith to underly the law aythir of thame of the crymes contenit in aythir of thair letters rasit thairupoun And the said Johnne Gibsoun fand Dauid Scroghe and the said Johnne Smyth Robert Muir souerties for thame to compeir the said day to the effect foirsaid under the panis contenit in the last act maid thairupoun.

Thomas Watsoun.—The quhilk day the baillies Johnne Logane Johnne Harte and James Wilke replegit Thomas Watsoun in Dalkeith to Johnne Dowglas of Hathornedene baillie of the regalitie thairof anent the actioun and caus persewit be Robert Aittoun burges of the Canongait aganis the said Thomas for the wrangus withaldin fra him of ane blak cursour horse And Johne Oswalde is becumin cautionar and souertie *pro justitia administranda* in the said mater the xix day of Nouember instant and the parteis present and warnit.

Curia Justiciarie regalitatis et baronie de Brochtoun tenta in pretorio burgi Vicicanonicorum coram honorabili viro Johanne Logane Justiciario dicte regalitatis septimo die mensis Novembris Anno I^{m} V^{c} *lxi^{o}. Curia affirmata.*

Dauid Scroghe.—The quhilk day Dauid Scroghe enterit Johnne Gibsoun in Jugement to vnderlie the law for the crymes contenit in the precepte rasit be Johnne Smyth aganis him and thairupoun tuik instruments.

Johnne Smyth.—The quhilk day Robert Muir enterit Johnne Smyth

as he that become souertie for his entres this day to underlie the law for the crymes contenit in ane precepte rasit be Johnne Gibsoun aganis him and thairupoun tuik instrument.

John Gibsoun.—The quhilk day Johnne Gibsoun inquirit Johnne Smyth in Jugement gif he wald persew him of the crymes contenit in the precepte rasit be the said Jhone Smyth aganis the said Johne Gibsoun Quha ansuerit he wald nocht persew him thairfoir.

John Smyth.—The quhilk day Robert Muir become souertie for the entres of Johnne Smyth on Weddinsday nixt to eum and Johne Hannay souertie for the entres of Johnne Gibsoun that aythir of thame sall underly the law for the crymes contenit in aythir of thair preceptis rasit aganis utheris under the panis contenit in the actis maid thairupoun abefoir.

Curia burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. duodecimo die mensis Novembris Anno Domini I^{m} V^{c} *lxi*^{o} *Curia affirmata.*

Assissa.

Johnne Hannay	Andro Kintra	Johnne Young
Robert Muir	Robert Dauidsoun	Williame Harrat
George Harrat	Johnne Sinclere	Robert Stevingstoun
Cuthbert Fergussoun	Johnne Gibsoun	

William Harrat.—The quhilk day Williame Harrat younger is conviet be the foirsaid assise for the strykin of Catherine Farsy the spous of

Johnne Hendersoun be the space of xiiij dayis last bipast with his fauldit neif upoun the face utherwayis nor he aucht upoun law ffor the quhilk cause he is adjugit in ane amerchiament of court sic as he aucht to tyne upoun law amend to the party and to be punisit for his fault and that gevin for dome.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. xix° Novembris Anno lxj° Curia affirmata.

Assisa.

Patrik Johnestoun	Johnne Hannay	Robert Scheves
Patrik Sibbat	George Skathisbie	Williame Murray
Dauid Scroghe	George Harrat	James Galbraith
Johnne Kirkwode	Williame Hendersoun	Johnne Murdo
Johnne Galloway	Walter Blair	Alexander Brog

Johnne Gibsoun.—The quhilk day Johnne Gibsoun is convict be the foirsaid Assise for the cuming upoun Johnne Smyth baxter upoun the xiiij day of Julii last bipast in the baikhous of the bak land of the said Johnne Gibsonis land within this burgh quhill he wes lauborand at ane bache with ane drawin sworde and thairwith strykand and wondand him on his tholme on the rycht hand and on his heid to the effusione of his blude in greit quantitie uthirwyis nor he aucht upoun law For the quhilk cause he is adjugit in ane amerchiament of courte siclik as he aucht to tyne upoun law amend to the party and to be punesit for his fault and acquitis the said Johnne Gibsoun of the mutilatioun of the said Johnne Smyth of his tholme and that gevin for dome.

Johnne Smyth.—The quhilk day Johnne Smyth is convict be the foirsaid Assise for the crewall strykin of Johnne Gibsoun upoun the

xiiij day of July last bipast foiranent the baikhous of the bak land of the said Johnne Gibsoun with ane battoun wondand him thairwith in his heid and twa of his medmest fingaris of his left hand to the effusioun of his blude in greit quantite utherwayis nor he aucht upoun law For the quhilk caus he is adjugit in ane amerchiament of courte siclik as he aucht to tyne upoun law amend to the party and to be punisit for his fault and is acquite of the hurting of him upoun set purpoise passione and forthocht fellounie and that gevin for dome.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. xxvj° Novembris Anno lxj° Curia affirmata.

George Hannay.—The quhilk day the foirsaidis baillies sittand in Jugement in the actioun and caus persewit be Johnne Fergussoun aganis George Hannay contenit in his bill gevin in thairupoun Makand mentioun that quhair viij dayis befoir the feist of Yule last bipast or thairby compt and reknyng being maid betuix the said Johne and the said George of the ferme of ane aker of land liand within the toune of Restalrig sett be the said Johnne to the said George and occupiit be him of the crope the yeir of God l^m V^c lix yeris the said George grantit him than restand awand to the said Johnne xx ℈ for the ferme of the said aker of the said crope As at mair lenth is contenit in his clame gevin in thairvpoun The rychtis ressonis and allegatiounis of baith the saidis parteis togidder with the depositiounes of certane witnesses harde and takin in the said mater The saidis baillies being advisit thairwith and baith the parteis being personalie present thai decernit decretit and ordanit the said George to content and pay to the said Johnne xx ℈ within terme of law of the said xl ℈ becaus he previt his intent sufficientlie as efferit and assolyeit him of the uther xx ℈ becaus he failyeit in probatioun thairof.

James Broun.—The quhilk day the foirsaid barroun baillie decernit and ordanit James Broun to content and pay to Johnne Arthure the sowme of xxx ℔ within terme of law for the mertimes maill of ane duelling hous in Plesance last bipast sett be the said Johnne to the said James and that be vertew of the said James confessioun maid thairupon in jugement.

Williame Dawsoun.—The quhilk day the foirsaidis baillies sitt and in Jugement decernit and ordanit Williame Dawsoun to content and pay to Thomas Wecht xxx ℔ within ane moneth efter the dait heirof quhilk sowme the said Williame become cautionar and dettour for ane Inglisman to pay the samin to the said Thomas at ane certane day bipast and that be verteu of his confessioun maid thairupoun in Jugement.

Waltir Young.—The quhilk day the barroun baillie foirsaid sittand in Jugement decernit and ordanit Waltir Young in Plesance to content and pay to Robert Quintene burges of Edinburgh the sowme of fourty aucht ℔ within terme of law for ane boll of ry and ane half bocht and ressavit be the said Waltir fra the said Robert Quintene within the toun of Leyth in the moneth of Junii last bipast Becaus the said clame being referrit be the said Robert to the said Waltir aith and the said Waltir warnit to gif his aith thairintill And he being warnit thairto failyeit thairintill And thairfoir the said Roberts aith wes tane thairupoun quha maid faith he bocht and ressauit the said ry fra him the tyme foirsaid for the said sume above writtin.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. 3 Decembris Anno lxi°. Curia affirmata.

The quhilk day James Galbraith and Robert Drummond referrit all debatable materis betuix thame in amicable wyis to the haill baillies of this

burgh and quhoweuir thai decretit thairintill thai oblist thame to abide thairat.

Alisone Ramsay.—The quhilk day the foirsaidis baillies decernit and ordanit Alisone Ramsay to content and pay to Jonet Somerwell viij ℈ for seruice maid be hir to the said Alisone fra the feist of Mertimes in anno lx yeris to the feist of Pasche immediat thaireftir four ℈ lent siluer and iij ℈ of bountath to be payit within terme of law becaus the said sowmes being referrit to the said Alisone aith be the persewar and scho warnit to gif hir aith thairintill And thairfoir the baillies tuik the said Jonet aith thairintill quha maid faith that scho wes awand hir the samin.

Thomas Dumbar.—The quhilk day the foirsaidis baillies decernit and ordanit Thomas Dumbar to content and pay to George Skaithwie the sowme of thre ℔i xvi ℈ for certane malt coift and ressauit be Issobell Robesoun his spous fra the said George be the space of thre monethis last bipast or thairby And als to content and pay to the said George the sowme of xxxviii ℈ within terme of law for ane stane and ane half of lint wantand half pund bocht and ressauit be the said Issobell fra the said George and that be verteu of the said Thomas confessioun maid thairupoun in Jugement.

The quhilk day the foirsaidis baillies decernit and ordanit Margaret Symsoun to content and pay to Andro Hay the sowme of vi ℔i v ℈ at Candilmes nixt to cum and that in compleit payment of xvi ℔i viij ℈ clamit be the said Andro upoun the said Margaret be compt and reknyng maid betuix thame ane moneth eftir Pasche last bipast confessit be hir than awand to the said Andro for malt bocht and ressavit be hir fra him afoir the said tyme and als in compleit payment of xx ℈ for the rest of uther malt coft and ressauit be hir fra the said Andro abefoir and that

be verteu of hir awin confessioun maid thairupoun in Jugement quhairupoun the said Andro askit act.

Margaret Scot.—The quhilk day the foirsaidis baillies decernit and ordanit Margaret Scot to content and pay to Catherine Broun relict of umquhile Maister James Foules of Colingtoun four merkis usuall money at the feist of Candilmes nixtocum for the maill of ane dwelling hous within Edinburgh &c. &c.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. x° Decembris Anno lxj°.

The quhilk day Dauid Levingstoun burges of Edinburgh renunceand his awin jurisdictioun submittand him in this caise to the jurisdictioun of this burgh become actit as cautioner and souertie for Williame Duncane to content and pay to Johne Scrymgeour xx ℔ at the feist of Candilmes nixt to cum.

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Decimo quarto die mensis Octobris Anno Domini I^{m} V^{c} *lxvij°.*

Counsall.

James Graye Thomas Huntar	Bailleis	William Porteous Johnne Schort	Thesaurer
Johnne Oswald Johnne Achiesoun	auld bailleis	Johnne Hairt James Hairt	
Georg Barbour Johnne Hannay William Gordoun	diaconis	Robert Muir Johnne Huntar	

The quhilk day the persouns abone written ar chosen and electit to

be upoun the Counsall of this bruche for this present yeir quha hes acceptit the said office.

The quhilk day It is statute and ordanit be the bailleis and counsall foirsaid that in all tymes cuming the Counsall convene and assembill ilk xiiij dayis anis viz.° on Furisdaye att nyne houris begynnand on Furisdaye nixt to com the xxiij daye of October instant and swa to continew ilk persoun that failleis under the pane of the onlaw of viij š unforgevin sa oft as thaye failye.

The quhilk day the baillies and Counsall ordanis ane officer to pass and warne Thomas Crawfuird to compeir befoir thame this day aucht dayis to ansuer to sic thingis as thaye haif to laye to his charge.

Vigesimo tertio Octobris Anno &c. lxvij°.

Election of Baillies &c.—The quhilk day It wes statuit and ordanit be the bailleis and counsall that in all tymes cuming this ordour be taikin anent the cheising of baillies That is to say vpoun Fuirisdaye befoir the heid Court of Michelmes the new Counsall to be choisin be the auld and on the Tyisdaye thaireftir and immediatlie befoir the heid court the auld and new Counsallis withe the diaconis to cheise the bailleis and the rest of the officiaris swa thaye be all of the Kirk of God and that the nummer of the Counsell be yeirlie xiij persouns comptand the twa auld bailleis withe the new gif thaye happin to be chargit withe the diaconis.

John Schort Thesaurer.—The quhilk day the bailleis and Counsall ordanis Johne Schort Thesaurer to gif in all his comptis of the yeiris and termes bypast comptand the Mairtimes terme nixt to cum this day sax oulkis and thane to make full compt and payment.

None to be frie of the Craft till he be burges.—The quhilk daye It is statute be the bailleis and Counsall that in all tymes to cum that nane of the diaconis ressaif onye freman with thame anent thair craft afoir he be admittit burges be the baillies And quhatsumevir deacone dois in the contrare heirof fra this daye furthe salbe poyndit for that man burgeschip that sall happin to be admittit viz. four pundis sasone as knawlege beis haid be the saidis bailleis and Counsall and na ferder delaye to be haid thairof.

Thomas Crawfurd.—The quhilk daye Thomas Crawfurd being accusit be the bailleis and Counsall of the manassing and boisting of James Burrell and Dauid Baittie The said Thomas confessit that he said to James Burrell sone being gangand withe the bell that haid it bene ane man that haid gane thairwithe he waild nocht haif bene content.

Pennultimo Octobris Anno &c. lxvij°.

Bessie Tailyefeir to be brankit and set upon the Croce.—The quhilk daye Bessie Tailzefeir being accusit be the bailleis and Counsall of the sclandring of Thomas Huntar baillie sayand that he haid in his hous ane fals stoip And thane eftir tryall tane thairof be James Graye baillie and James Selkrig officer fand the samyn nocht to be of veritie And thairfoir the baillies and counsall ordanit the said Bessie to be brankit the morne and set upone the croce of this bruche thair to remane the space of ane houre.

Vigesimo Septimo Novembris Anno &c. lxvij.

The quhilk day the bailleis and Counsall consentit that thair commoun seill sould be appendit to Alexander Durrame Chartour maid to him be Sir George Masoun upone the alienatioun of Williame Young

cuttellar foir land lyand foiranent the girthe croce quhairto thai ar patronis in taikin of thair consent And ordanis the Thesaurer to ressaif xl ℈ thairfoir and delyuerit to him the Chartour seilit.

Fals mesouris.—The quhilk daye the bailleis and Counsall haifand presentit to thame certane tin quartis pyntis and choppyngis stoupis poyndit be the bailleis as fals mesouris causit roip the samyne quhilkis wes roupit and sauld to the officiers for xvi ₰ ilk pund troise wecht the haill extending to thre stanis viij pund wecht and in monye according to the said pryce to thre pundis xiiij ℈ viij ₰ and ordanit the said sowme to be delyverit to the Thesaurer.

Poyndis to be tane.—The bailleis and Counsall ordanis thair officeris to pas and appryise thre poyndis appertenand to Johne Mosman Williame Quhyt and George Skaythwie tane and poyndit be the bailleis for brekíng of the statuittis in selling of aill and mak payement of the saidis poyndis and caus ilk poynd paye aucht ℈ *summa* xxiiij ℈ And ordanis the samyne to be delyverit to the Thesaurer.

Pryce on Wyne.—The quhilk daye it is statuit and ordanit be the bailleis and Counsall thatt na maner of persoun or persouns inhabiteris within this bruche tak upon hand to toip or vend wyne fra this daye furthe onye derar nor for xiij ₰ the pynt thaye and ilk ane of thame thatt dois in contrar to be poyndit for fiftie ℈ of unlaw sa oft as thaye faillie unforgevin In respect certane of thair poyndis wes gevin agane without onye onlaw thatt haid contravenit the said act &c.

Hucksterris and Stallangeris to produce thair wechtis and ballandis.—The quhilk daye the bailleis and Counsall ordanis thair officeris to pas and warne all huiksterris and stallangerris within this bruche to compeir befoir thame this daye xv dayis and to produce all sic wechtis and bal-

landis as thaye haif and eommounlie sellis with to all oure soueranis leiges to be sene and considderit that ordour may be tane thairin as effeires, &c.

The quhilk daye the bailleis ordanis the Thesaurer to bye ane full pund wecht of bras contenand all small wechtis thairintill to be put in the commoun box to remane thairin as just wechtis in tyme cuming that the inhabitantis within the bruche maye ressaif thair wechtis thairbye, &c.

Quarto Decembris Anno &c. lxvij°.

Compeirance of unfremen to be burgesses and Stallangearis &c.— The quhilk daye the bailleis and Counsall statuit and ordanit that na maner of Craftismen nor maltmen be admittit stallangearis earlier nor the feist of Witsoundaye nixt to cum nor sufferit to use onye of the saidis craftis without thai be admittit be the saidis bailleis and counsall bot that thaye betuix and the said feist mak thameselvis friemen and be admittit burgesses and paye thame burgeschip thairfoir conforme to the act and ordinance maid thairanent &c.

The quhilk daye Johnne Wilsoun maltman wes admittit to be maid burges of this bruche and to paye foure pundis on this maner xl s̄ within aucht dayis and fourtie schillingis at Witsoundaye nixt to cum and continewis his ayth to the lattir payment of the said sowme.

The quhilk daye Thomas Donaldsoune tailyeour is admittit to be maid burges of this bruche and to paye four l̄ib̄ on this maner x s̄ quarterlie quhill the samyn be payit Begynnand the first payment thairof att the feist of Beltane nixt to cum and continewis his ayth quhill the lattir terme of payment.

The quhilk daye Williame Moffet cuik admittit stallanger to paye yeirlie in tyme cuming four s and to paye for this yeir iiij s within aucht dayis.

The quhilk daye Thomas Curtes skynner permittit to wirk quhill Witsoundaye nixt to cum and hes payit four s and ordanit to remoif att the said feist without he be admittit and maid burges.

Undecimo Decembris Anno Domini I^{m} V^{c} *lxvij*^{o}.

The quhilk daye In presence of the bailleis and Counsall James Graye baillie being requirit gif evir he callit Robert Achiesoun sumtyme his prenteise theif ansuerit the said James and said he nevir callit him theif nor had na thing to saye to him bot knew him for ane honest young man And baithe the said James and Robert dischargit wtheris of all actioun thatt onye of thame haid to saye aganis wtheiris afoir the dait heirof and speciallie of the yeiris of prenteischip quhilk the said Robert haid to rin with the said James and of all sowmes of monye that ather of thame mycht craif of wthiris for onye occasioun bipast.

The quhilk daye the Thesaurer ressavit fra Dauid Rowane vij stand of leid wechtis contenand twa pundis half pund quarter pund twa unce and half vnce and payit for ilk wecht and stand thairof fyif s *Summa* xxxv s quhilk wes put in the box.

The quhilk daye it wes concludit be the bailleis and Counsall to persew quhatsumevir persoun that is knawin or brutit with the breking of the tolbuith of this bruch the tyme of the furthe latting of Jonet Robertsoun being wardit within the samyn for adultrie And ordanis the Thesaurer to delyuir to Cuthbert Fergussoun xl s to be expenssis for letters

and officeris in persuit of the said caus and the said Cuthbert to mak compt upon his debursing.

Septimo Januarii Anno &c. lxvij°.

Cautioneris for vintinouris not to sell thair wyne deirer nor the statute. —The quhilk daye Cuthbert Fergussoun became souertie for Marioun Edmonstoun that scho sould sell na darrer wyne fra this daye furthe nor for fourtene d the pynt under the panis of fourtie pund &c. &c. &c.

Vicesimo nono die mensis Januarii Anno Domini I^{m} V^{c} *lxvij.*

The quhilk daye Johnne Schort Thesaurer in presence of the bailleis and counsall maid his comptis quhilkis wer hard sene and allowit and dischargis maid and gevin to him be the said bailleis and counsall and the said Johnne exoncrit of his office foirsaid the restis of his comptis *de claro* put in the box conforme to the tiket within the samyne.

The quhilk daye the bailleis and counsall electit Robert Muir baxter Thesaurer for the space of ane yeir fra his entrie quhilk wes and began the daye and dait heirof.

The quhilk daye the thre keis of the commoun box wes delyuerit to the persouns following to wit ane key to Johnne Haire ane to George Barbour diacone of the Smythis and ane uther to the Thesaurer.

The quhilk daye in presence of the baillies and counsall James Galbraithe Tailȝeour become actit and obleist of his awin fre motive will to vnderly the law for the allegit breking of the tolbuith of this bruche committit and done be him and certane wtheris his complices vpone the

daye of last bipast within nycht and thatt upone the xv dayis warnyng to the thrid daye of the air And Johnne Oswald become souertie for the said James under the paines of xl ℔ib And the said James obleist him to releif his said souertie anent the premissis.

Quarto Martii Anno I^{m} V^{c} *lxvij*^{o}.

The quhilk daye compeirit Williame Lawsoun and grantit that he haid contravenit the actis and ordinances maid be the bailleis and counsall anent the selling of xiiij d wyne and thairfoir become in will of the bailleis.

The quhilk daye compeirit Johnne Sprewll Margaret Christesoun Mawse Purves Henrie Kinloche Bessie Walkar the spous of Williame Dawsoun Issobell Kincaid and Marioun Forman the spous of Joseph Aikinheid and grantit and confest thatt thaye and ilk ane of thame haid contrauenit the saidis actis and ordinances maid be the bailleis and counsall anent the selling of the said xiiij d wyne And than thai and ilk ane of thame become in will thairfoir.

Assisa.

Williame Hendersoun	Robert Meldrum	Andro Gavillok
James Cleuch	Robert Aittoun	Thomas Harrat
Williame Broun	Mungo Reid	Johnne Kirkwod
Waltir Blair	Robert Skaithwie	
Gilbert Blak	George Harrat	

The quhilk daye Williame Gordoun Johnne Castellaw Mariory Edmonstoun and Marioun Thomesoun the spous of James Savoye wes acquit be the foirsaid assyise of the contravenyng and breking of the saidis actis and ordinances maid anent the selling of wyne be the saidis bailleis and counsall.

Duodecimo Martii Anno I^{m} V^{c} *lxvij*^{o}.

The quhilk daye the bailleis and counsall decernis Issobell Kincaid Williame Lawsoun and Josephe Aikinheid to haif tint thair fredomes for breking of the statuittis of thair burghe anent the selling of wyne Thairfoir ordanis thair officeris to pas and poynd the said Issobell Kincaid and Williame Lawsoun ilk ane of thame respectiue for the sowme of x pundis of unlaw and the said Josephe for fyif pundis And ordanis the saidis officeris to pas and mak intimatioun to the saidis persouns that thaye nor nane of thame sell ony wyne or vent the samyn fra this daye furth under the panis of confiscatioun of tha wynis Quhilkis thaye or ony of thame salhappin to vent and deling of the samyn to the puir And inlikmaner that na inhabitar within this bruche ventaris of wyne bye sell or vent fra this daye furthe unto the tyme thatt thaye adverteise the bailleis and counsall thairof.

The quhilk daye It is statuit and ordanit be the bailleis and counsall thatt nane of the counsall in ony tyme heirefter salbe ressauit or admittit cationaris and souerteis for ony ventaris or sellaris of [wyne] for observing and keiping of the statuittis and ordinances of the said bruche maid thairanent or to be maid.

Burges.—Quo die Joannes Cruche lanio factus est burgen. dicti burgi ad persolvendum summam quatuor librarum ad festum Pasche et Juratus Willelmus Peirsoun cautionarius.

xxij Aprilis Anno lxviij^{o}.

The quhilk daye in presence of the bailleis and counsall compeirit Johnne Sprott officiar and maid faith that vpon the vij daye of Apryill

he beyng poyndand Thomas Crawfuird and Donald Morisoun guidis for the sowme of ten markis conforme to ane decreit of the saidis bailleis awand to Williame Logane The saidis persouns forceablie tuik the saidis guidis fra the said officiar and deforcit him in executioun of his office.

The quhilk daye Robert Crawfuird sone and appeirand air to Thomas Crawfuird become souertie for the said Thomas Crawfuird his father and Donald Morisoun befoir the bailleis to underlye the law quhat tyme or how sone the saidis bailleis pleissis to requyir for the entresse of the saidis Thomas and Donald for the deforcement of the officiar in maner foirsaid under the panis of fourtie pundis ilk persoun.

Decimo Octavo Junii Anno I^{m} V^{c} *lxviij°.*

The quhilk daye in presens of James Graye baillie Thomas Smyth being wardit within the tolbuith of this bruche for deforceing of Johnne Sprot officiar and was detenit in ward thairfoir at the bailleis and counsall pleisour and command For the quhilk offence the said Thomas become oblist and actit of his awin consent gif evir he beis fundin culpabill of siclyik offences in tymes cuming that he sall tyne his fredome and burgeschip And als become in the bailleis and counsall will in punisching of his bodie at this present for the said offence Quhairfoir the said baillie with consent of the haill counsall remittit and fred the said Thomas to libertie.

Quarto Augusti Anno I^{m} V^{c} *lxviij°.*

Anent repairing the watter yett.—The quhilk daye the bailleis and counsall ordanis thair Thesaurar to caus amend sufficientlie the pairt of the wattir yett and to caus mak ane sufficient lok and key thairto withe

ane keye and lok to the port and yet passand in and to the abbaye kirk and alse to caus big wpe the fute of Raa cloce and the rowme passand to the Justice Clerk croftis besyid the cunyehous for this present &c.

John Aslowan.—The quhilk daye the bailleis and counsall being awysit with the requeist of Johnne Aslowane burges of Edinburgh gevin in afoir thame anent the biging of his foir land sumtyme pertenand to Olifeir Smyth liand within this bruche on the north syid thairof consentis that the said Johnne Aslowane big and upput his said land within the boundis of his auld foundatioun of the samyn but prejudice of onye libertie or fredome concernyng the said bruche &c.

Decimo Octavo die mensis Septembris Anno I^{m} V^{c} *lxviij°.*

The quhilk daye the bailleis and counsall be modificatioun of the former Act maid anent the twa poyndis of Williame Carmichaell and Williame Lawsoun tane and poyndit for breking of the actis and ordinance maid anent the selling of wynis Ordanis thair officiaris to pas and poynd the cautionaris for the foirnemmit persouns ilk ane of thame for the sowme of xl s and mak payment thairof this day viij dayis to the Thesaurer.

Selling wyne.—The quhilk daye It is statuit and ordanit be the bailleis and counsall that na maner of Inhabiter within this bruche ventaris or topparis of wyne tak upon hand to sell onye derar wyne fra this day furth nor xvi d the pynt under the panis of xviij s of unlaw sa oft as thaye or onye of thame failye unforgevin And gif onye of the saidis inhabitantis be fundin contravening the said act and ordinance thryise the contravenar thairof sall tyne his fredome and sall on na wayis be suffirrit to vent wyne fra that tyme furthe unto the tyme he be of new admittit be the saidis bailleis and counsall under the panis

of escheatyng of the saidis wynis that sall happin to be ventit be thame in the meane tyme.

Duodecimo Octobris Anno I^{m} V^{c} *lxviij°.*

Counsall.

Thomas Huntar		Johnne Hairt
James Hairt	Bailleis	Johnne Achiesoun
Johnne Schort		Johnne Huntar
George Barbour		Robert Purves
Johnne Smythe	Diaconis	Andro Mansioun
Johnne Blak		Johnne Watsoun
Williame Porteous		Williame Broun.

The quhilk daye the personis abone writtin ar chosin and electit to be vpone the counsall of this bruche for this present yeir quha hes acceptit the said office and sworn to exerce the samyn lielielie and trewlie &c.

The quhilk day Thomas Huntar Johnne Schorte and James Hairt ar chosin and electit bailleis for this present yeir to exerce the office of baillierie quha hes ressauit and acceptit the samyn and hes maid faithe to exerce the samyn trewlie.

Vicesimo Octobris Anno I^{m} V^{c} *lxviij°.*

The quhilk daye the bailleis and counsell exonerit and dischargit Robert Maister Thesaurer of all intromissioun of thair commoun guid intromettit withe be him fra the ferd day of Januer anno lxvij yeiris to the day and dait heirof be reasoun thaye haif hard sene and allowit his comptis of his intromissioun with the said commoun good during the space foirsaid and ordanit him to be exonerit of the exercing of the said office.

The quhilk daye the bailleis and counsall electit and cheisit Johnne Huntar Thesaurer for this present yeir quha hes acceptit the said office upone him and maid faithe to exerce the said office lelielie and trewlie during the said space.

The quhilk daye George Skaythwie and Williame Broun ar chosin collectouris for this present yeir of the annuall renttis pertenand to the commountie of this bruche liand within the samyn quha hes acceptit the office and hes maid faith to exerce the samyn lelelie and trewlie during the said space.

Visatouris of the housis and persouns quha ar seik and quha ar haill.—The quhilk daye the bailleis and counsall ordanit the persouns vnderwrittin visatouris of the houssis and persouns dwelland within the quarteris following euerye daye to visie quha is seik and quha is haill diligentlie everie mornyng To wit James Hairt baillie George Barbour Robert Maister and Johnne Watsoun for the first quarter begynnand att Leyth wynd fute and passand to Johnne Patirsoun hous The secund quarter fra Johnne Patirsoun to Cuthbert Fergussoun The visatouris thairof Johnne Schort baillie Johnne Huntar James Graye and Robert Purves The thrid quarter fra Cuthbert Fergussoun passand to Sanct Johnnes croce on baithe the sydis of the gait The visitouris thairof Thomas Huntar baillie Johnne Aichiesoun Williame Broun and George Skaithwie.

Quarto Nouembris Anno I^{m} V^{c} *lxviij°.*

Extentaris for sustentatioun of the Puir on the hillis.—The quhilk daye the bailleis and counsall hes chosin thir persouns wnderwritten extentaris of the haill inhabitantis within this burche for sustentatioun of the puir on the hillis within the samyn viz. Johnne Hairt Johnne

Oswald James Wilkie Williame Quhyte Alexander Martene Johnne Achiesoun Robert Maister George Barbour and Johnne Huntar And ordanis the saidis persouns to convene the first of this instant monethe at ix houris or thairbye in Johnne Achiesoun foir laud to begin upone the said extent Quhilkis persouns acceptit the said office upone thame.

Anent clenging of those suspectit of the Pest put furth on the Hill.— The quhilk daye It is statuit and ordanit be the baillies and counsall thatt na maner of baxter nor na wthir traffikar being suspectit of the pest put furthe on the Hill and cleingit and thaireftir brocht in within this burche use na change traffik nor outred in na maner of waye for the space of fourtie dayis efter thair incuming of the Hill And als thatt [na] inhabitar within the samyn maltman baxter broustar flescheour or onye wther traffiker or craftisman quhatsumevir haifand onye vevouris to sell hant frequent or use thame selvis with onye persoun or persouns suspect of the seiknes nor that nane of thame ressaif onye siluer fra siklyik persouns bot thatt thaye ressaif it in an veschel and skaid the samyn thatt it may be purifeit fra all contagiousnes Certefeing the saidis persouns that gif onye of thame sal happin to do the contrare and thairbye to be infectit or onye wther nychtbour in thair default in maner foirsaid thaye incontinent thaireftir sall suffir the panis of deithe for the samyn without ferther proces of judiciall law.

Decimo Octauo die mensis Novembris Anno I^{m} V^{c} *lxviij^{o}.*

Anent baiking of breid and selling of aill and wyne.—The quhilk daye It is statuit and ordanit be the bailleis and counsall of this bruche thatt na inhabitar within the samyn baik onye breid fra this daye furthe but thatt the four pennye laif be weill bakin and dryit guid and sufficient stuf and keip the mesour and pais of xxij unceis and that all wther breid

to be baikin be thame les and mair keip the pais conforme thairto And that na browstaris nor drye tapstarris sell onye deirar aill nor vi d the pynt under the panis of xviij s for the first falt the secund confiscatioun of breid and aill thatt salbe apprehendit the thrid and last falt spanyng frome the occupatioun for evir And sicklyik that na inhabitaris within this burche ventaris of wyne bye na new wyne deirar nor thatt thaye maye sell the samyn commounlie to all our soueranis leigis for xvj d the pynt under the pane of the unlaw of v li to be up takin of thame quha dois in the contrare sa oft as thaye faillie but favour And thatt thaye sell na deirar new wyne fra this tyme furthe bot for xvj d the pynt vnder the pane of fyif pundis.

Secundo Decembris Anno Domini I^{m} V^{c} *lxviij°.*

Contribution for the puir on the Hill.—The quhilk daye the baillies and counsall eftir heiring and allowing of James Graye Comptis of his intromissioun of onye contributioun gevin to the puir sustentatioun on the Hill ressavit be him fra the handis of James Hairt baillie or onye wtheris within the monethis of October and November respective Dischargit and exonerit the said James Graye thairof in respect of his debursing and comptis maid thairupone hard sene and allowit.

Rolping of the wyne custom to George Barbour &c.—The quhilk day the bailleis and counsall eftir the rolping of thair wyne say for this present yeir with ane consent and assent hes sett the samyn to George Barbour and George Skaithwie for the space of ane yeir fra thair entrie quhilk entrie wes and began at the first incuming of the first schip that come hame this yeir with new wyne and swa to contineu quhill the hame cuming of the first schip with new wyne the nixt yeir payand thairfor sax merkis sax s viij d monye at the ische of the said yeir and for suir pay-

ment to be maid att the said terme Johnne Huntar Thesaurer is becumin cautioner and souertie thairfoir And the saidis George and George obleist thame and thair airis to freithe and relief the said Johnne Huntar anent the said souertie and payment for the said sowme.

Sexto Decembris Anno I^{o} V^{c} *lxviij^{o}.*

The Port and yett passand to the Abbay kirk to be mendit.— The quhilk daye the bailleis and counsall ordanit Johnne Huntar Thesaurer to caus amend the port and yett passand into the abbaye kirk sufficientlie in tymmer work and Irne work and to caus hing ane lok thairupone and als to caus big vpe the fuit of Ra cloce and to cast ane stank att the slope yatt cumis fra the Justice Clark land to the abbaye on the south syid of this bruche &c.

Vicesimo die mensis Januarii Anno lxviij^{o}.

That George Harrat associat himself to the religioun of Cryistis Kirk. —The quhilk daye in presence of the bailleis and counsall William Harrat younger baxter become actit of his awin fre motive will as cautionar and souertie for George Harrat that the said George sall remoif and devoyid him selff furth of this burche and fredome thairof within the space of the xv dayis nixt and immediatlie following the daye and dait heirof and nocht to be fundin thairintill incais the said George associat nocht himself to the religioun of Cryistis kirk and satisfie the kirk in maiking of repentance as effeiris within the said space under the panis of xl ti And the said George oblist him to releif the said Williame his said souertie anent the payment of the said sowme at the handis of the saidis bailleis and counsall &c.

That no inhabiter luge ony stranger in thair houssis &c.—The quhilk daye it is statuit and ordanit be the bailleis and counsall thatt na Inhabiter within this burche tak upon hand to luge ony stranger in thair houssis bot that thaye incontinent efter the said stranger be ressauit to luge in thair saidis houssis cum and schaw the samyn to the baillies of this burche swa thatt the persouns names be knawin be thame under the panis of deid.

That no persone drink in tavennaris or housis upoun Sunday the tyme of preiching.—The quhilk daye it is statuit and ordanit be the bailleis and counsall that na maner of persoun inhabitar within this burcht ventaris of wyne brostarris or topstarris of aill nor wthers quhatsumevir thoill or permit ony maner of persone or personis to drink keip cumpanye at table in commoun tavennarris or houssis upone Sondaye the tyme of preiching fra this daye furthe under the panis of fourtie s to be uptane of the man and wyif quha aucht the saidis tavennaris and houssis sa oft as thaye faillie but favouris.

Tertio Februarii Anno ᵒ lxviij.

Stent for the Puir.—The quhilk daye the bailleis and counsall ordanis the quarter maisterris of the ressait of the stent gadderit to the puir to produce and gif in thair comptis befoir thame this daye fyftene dayis.

Expensis for the Communioun.—The quhilk daye the bailleis and counsall ordanis Thomas Huntar baillie to deburse and mak expenssis upone all necessaris concernying the communioun for this present quarter.

Decimo Septimo Februarii I^{m} V^{c} *lxviij.*

Anent persones haifand annuellis to produce thair rychtis and tytillis.—The quhilk daye the Bailleis and Counsall ordanis thair officiaris to pas and warne all and sindrie personis quhatsumevir haifand onye annuellis within this burche doitit to onye altarages or chaiplandis That thaye and ilk ane of thame to compear befoir the saidis baillies on Settirdaye nixt to cum within the tolbuith of the said burche in the hour of caus bringing with thame thair fundatiouns rentallis infeftmentis and wtheris letteris and wryttingis quhatsumevir quhairbye thaye or onye of thayme acclames the saidis annuellis furthe of quhatsumevir landis within this burche as thair rychtis and tytillis of the samyn To be sene and considdirrit be the saiddis bailleis and counsall With certificatioun to thame and everie ane of thame gif thaye faillie that command wilbe gevin to thair saidis officiaris to staye the annuellis awand to thame in the persones handis quha is addettit for the samyn aye and quhill thair saidis rychtis and titlis be producit in maner foirsaid.

The sellaris of the Ladie land foundit to our Lady altar to bring thair Charteris &c.—The quhilk daye the bailleis and counsall ordanis thair officiaris to pas and warne the sellaris of all and sindrie the landis sumtyme pertenand to vmquhill Maister Thomas Haye now callit the Ladie land foundit to oure Ladye altar sumtyme situat within the abbaye kirk of Halierudehous within the perroche Ile thereof to compeir befoir thame the thrid day of Merche nixt to cum Bringing with them thair few charteris and infeftmentis of the saidis landis to be sene and consideerit be the saidis bailleis and counsall as effeiris.

The quhilk daye in presence of the bailleis and counsall Compeirit Robert Dauidsoun baxter and obleist him and his airis to reforme and

cast downe his penteis now bigand and foundit be him lyand contigue to his foir land within this burche sa sone and quhat tyme it sall pleise the saidis bailleis and counsall to reforme the haill penteissis within the said burche and that upoun the said Robert and his airis awin expenssis.

Vicesimo Septimo Aprilis Anno I^{m} V^{c} *lxix°.*

The quhilk daye in presence of the Bailleis and Counsall I Williame Broun cautionar and souertie for Johnne Brand minister and Johnne Huntar cautionar and souertie for James Logane become actit of thair awin consentis to content and paye to the saidis bailleis and counsall the sowme of fourtie pundis viz ilk ane of the saidis cautionaris the sowme of twentie pundis att the feist of Pasche nixt and thatt for the haill annuell rentis quhatsumevir now vacand within this burche and fredome thairof or within the toun of Leyth or onye wther place thatt maye be cravit be the infeftment grantit be the Souerane Lord mother to the saidis bailleis counsall and thair commountie or onye wtherwayis that salhappin to vaik throw deceis of ony persoun or persones in onye tyme betuix the dait heirof and the feist of Witsoundaye in the yeir of I^{m} V^{c} threscoir ten yeiris Quhilk haill annuellis in maner foirsaid the saidis bailleis and counsall hes sett the samyn to the saidis Johnne Brand and James Logane for the termes of Witsoundaye and Mertimes in the yeir of God I^{m} V^{c} threscoir nyne yeiris And siclyik hes sett and assignit to the saidis persones the haill yeiris and termes bypast restand of the saidis annuellis quhatsumevir unpayit Thaye payand the foirsaid fourtie pundis as said is And als releifand Johnne Hairt and Johnne Achiesoun of onye det or souertie quhilk thaye sould paye to Sir Adame Syme during the said space allanirlie And the saidis Johnne and James obleist thame to releiff thair saidis souerteis anent the payment of the foirsaid sowme &c. &c.

Quarto die Junii I^{m} V^{c} *lxix°.*

John Sprot officiar to ask forgivenes of the baillie.—The quhilk daye the bailleis eftir the accusing of Johnne Sprot officiar for injuring of James Hairt baillie done be him vpone the xxvij daye of Maye last bypast on the Craigis haifand consideratioun thairof Ordanis the said Johnne to ask the said baillie forgivenes and the said Johnne obleist him in caise evir he be fundin injuring onye baillie or majestratt within this burche in word or deid in onye tyme heireftir to tyne his office of serjeandrie and nevir to bruik office eftir he be convict in maner foirsaid.

Statute anent the Officiaris of the Burgh.—The quhilk day it is statute and ordanit be the Bailleis and Counsall of this burche to avoyid ewill and perverst ordour usit amangis the officiaris of the samyn in tymes past Thatt everie officiar haif and bein vpoun the breist of his coitt or dowblat the armes contenit in the commoun seill of this burche imprentit in silver quhairbye thaye may be knawin be our Souerane leigis and wtheris quhatsumevir strangeris as officiaris of bruche.

Officiaris.—The quhilk daye It is statuit and ordanit that everie ane of the saidis officiaris beir about with thame everie daye ane sword exceptand only the Soundaye and upone everie court daye to be hauldin within the bruche ane halbart on thair schouldirris quhill the bailleis ryise fra the court And the saidis officiaris to be present everie court daye in the tolbuith with the dempstar at ix houris afoir the incuming of the bailleis.

The quhilk daye it is statuit and ordanit that nane of the saidis officiaris haid thair heidis covirrit in fensit court bot that thaye stand att the bar bairheiddit sa lang as the Court hauldis without onye speiking bot quhen thaye ar demandit be the bailleis.

The quhilk daye It is statuit and ordanit thatt the saidis officiaris eftir thai ressaif the actis or decreittis of onye persoun or persouns that thai and ilk ane of thame put the samyn to deu executioun conforme to the tennour thairof at the ische of the terme contenit thairintill or at the ferdest within viij dayis thairefter Or ellis that thaye cum to the bailleis and declair thatt thair is na guidis poyndable or wtherwayis thatt thaye haif gottin ane deforcement and failyeing heirof the saidis officiaris to be wardit aye and quhill the fulfilling of the saidis decreittis of the radiest of thair awin guidis and geir or wtherwayis thatt the pairtie defendar satisfie the samyn to the persewar And in lykwyise thatt the saidis officiaris use thre dyettis of apprysingis without onye delaye to be haid thairintill To wit everie Monoundaye Frydaye and Monundaye nixt thaireftir conuictioun be thre speciall dyettis of apprysing and thatt thaye mak offer to the pairtie of the guidis to be appryisit sasone as thaye obtene thame without onye fraude or delaye And gif thaye refuise to ressaif the guidis as thaye salhappin to be apprysit That the saidis officiaris produce thair apprysing in wryte this Court and law daye immediatlie thaireftir to be buikit vnder the panis foirsaidis &c.

The quhilk daye the statutes and ordinances foirsaidis being red and schawin to the saidis officiaris in presence of the saidis Bailleis and Counsall, acceptit the samyn and promittit faithfullie to fulfill and observe the samyn in all poyntis under the panis foirsaidis For the quhilkis caussis and obserueing of the premissis the saidis bailleis and Counsall assignis yeirlie to everie ane of the saidis officiaris of fie the sowme of iiij li to be payit to everie ane of thame yeirlie att the making of the Thesaurer Comptis.

Nono Junii Anno Domini I^{m} V^{c} *lxix°.*

The quhilk daye the Bailleis and Counsall eftir thryise rolping of

southemest of the twa bak chalmouris of the westir tenement of the Lady land now occupyit be Margaret Wod relict of vmquhill Alexander Moriesoun burges of Edinburgh all in ane voce consentit to the setting of the samyn in few to the said Margaret in lyifrent and to Patrick Moriesoun hir sone heritablie &c. for payment yeirlie of four merkis and fourtie d of few maill att the intres of airis And expyring of the few in caise of failyeing of few maill swa that twa termes into thre.

The quhilk daye the Bailleis and Counsall eftir thryise rolping of the northmest chalmour of the twa bak chalmerris of the said westir tenement occupyit be Thomas Hendirsoun and Bowie his spous and Margaret Graye douchtir to the said all in ane voce consentit to the setting of the samyn in few to the said Margaret hir airis and assignayis for payment yeirlie of four markis and xl d of few with provisiouns foirsaidis specifeit the former Act.

The quhilk daye the Bailleis and Counsall consentit in like maner all in ane voce to the setting of ane peice waist in few lyand foranent the hous and chalmer sett to the said Margaret Wode in few to Thomas Crawfuird occupyar thairof eftir the samyn wes rolpit for xiij s iiij d of few maill yeirlie and na Compositioun in respect of augmentatioun the samyn payand of auld fyif s onlie.

The quhilk daye the Bailleis and Counsall with awyse and consent of the Minister Johnne Brand for himself and in name and behalf of the diaconis and eldarris thairof ratiefeis apprevis and confermes the Charter of fewferme in all pointis and contentis thairof maid and grantit to Thomas Huntar ane of the Bailleis of the said burche and Forman his spous thair airis and assignayis be Robert sumtyme Commendatar of Halierudehouse and Convent thairof of all and haill certane waist houssis and landis callit of auld the Brewhous with ane croft of land lyand contigue

thairto now occupyit be Andro Chalmer burges of Edinburgh liand on the south syid of the Abbay of Halierudhous And ordanis ane Chartour of Confirmatioun to be maid therupone in dew and competent forme with all claussis neidfull.

xxiij° die mensis Septembris.

The Counsall for this present yeir.

Thomas Huntar	Robert Wethirspune	Diaconis.
Johnne Schort	Johnne Kirkwood	
James Hairt	Andro Purves	
Johnne Hairt	Johnne Huntar	
Johnne Oswald	Johnne Achiesoun	
James Wilkie	Robert Muir	
Johnne Smyth		

Quarto Octobris.

The quhilk daye Thomas Huntar Johnne Schort and Johnne Oswald ar chosin and vottit bailleis for this present yeir and the saidis Thomas and Johnne Schorte acceptit the said office vpone thame and eftir the fencement of Court maid faithe to exerce the said office of baillierie lelelie and trewlie the halie evangillis during the space of ane yeir heireftir And continewit the said Johnne Oswald aythe to the nixt Court daye.

The quhilk daye eftir the productioun of Johnne Huntar comptis Thesaurer in presence of the saidis bailleis and Counsall the samyn wes hard sene and allowit be thame and exonerit the said Johne as Thesaurer of all his intromissioun with the commoun guid for the space of ane yeir bypast preceiding the dait heirof exceptand onlie the sowme of xx pundis lent to the Minister at command of the saidis bailleis and

Counsall of quhome the said Johnne Huntar hes ressavit the said Johnne Brand Obligatioun for payment agane thairof at Mertimes be reasoun the said Johnne Huntar is continewit in the said office of Thesaurarie for the space of ane yeir.

The quhilk daye Waltir Stevingstoun baxter become actit of his awin fre motive will to content and paye to Johnne Huntar Thesaurer the sowme of nyne merkis monye yeirlie for the westmest heich hous and twa laiche houssis of the tolbuithe and sett to him be the bailleis and Counsall for the space of ane yeir nixt following the feist of Mertimes nixt to cum And ordanis the said Waltir to paye of byrunmaillis iiij li quhilk is assignit to the officiaris in pairt of payment of thair feis.

Patrick Monypeny to produce his fcu charter of the Commoun muir.—The quhilk daye the bailleis and Counsall ordanis ane precept to be direct to summond Patrick Monypennie of Pilrig to produce befoir thame his few Chartour of the Commoun Muir to be sene and considerit be thame.

Quinto Octobris.

Actis to be set furth and publishit within this burch.—The quhilk day in presence of my Lord Commendater of Halierudehous his barroun baillie bailleis and Counsall the statutis and actis underwrittin being presentit all in ane voce decernit and ordanit thame to be set furthe and publischit within this burche to be obseruit and keipit be the inhabitantis thairof in tyme cuming under the panis contenit thairintill particularlie as followis.

xxvij Januarii.

The quhilk daye it is statuit and ordanit be the bailleis and Counsall

that in all tymes cuming the Clerk or his seruand be present everie Tyisdaye in the tolbuith eftir the prayeris with all processis depositiouns of witnessis and productions of witnessis to be advisit and examinit be the bailleis.

Quarto Maij Anno I^{m} V^{c} *lxx.*

The quhilk daye the Bailleis and counsall hes sett thair wyne say for this present yeir quhill the nixt vantage for sax markis monye to thair officiaris and the saidis bailleis and counsall assignis to thame the said sowme in payment of thair fie &c.

Decimo Sexto Novembris.

Feu charter of the commoun muir producit.—The quhilk daye compeirit Patrik Monypenny of Pilrig and producit ane few charter of the commoun muir maid be Olyfeir Broun Johnne Cairnis and Williame Muir bailleis for the tyme to vmquhill Robert Monypenny of Pilrig and Margaret Crawfuird his spous and thair airis &c. Reseruand to the saidis bailleis and commountie the lone of the said muir as it thane laye betuix the dyikis extending to twa aikeris and ane halff hauldin of the bailleis counsall and thair successouris Payand viij ℔ att Witsoundaye and Mertimes and failyeing of payment fourtie dayis eftir ilk terme the few to expyir As the samyn of the dait under the commoun seillis of the said burche abbaye the xij daye of October anno I^{m} V^{c} *vicesimo primo* proporttis.

Decimo Sexto Octobris Anno I^{m} V^{c} *lxxij°.*

The quhilk daye the counsall consentis and hes ordanit thatt the bailleis have for this present yeir for thair laubouris and travell in thair

offices everie ane of thame ane burgeschip with the haill unlawis to be partit amangis thame And gif thair be nocht samony burgeschippis as everie baillie ane and samony as salbe gottin and maid within the yeir nocht exceiding thair nummer to be delt equallie amangis thame Provyding alwayis the saidis bailleis be diligent in the inbringing of the rest of the saidis burgeschippis to the commoun guid and put to executioun and pwneis for the unlawis vpone transgressouris of the statutes within the burch.

Alexander Thomson Reidar.—The quhilk daye the Bailleis and Counsall assignis to Alexander Thomsoun Redar the sowme of vi li of the superplus of the compositioun of the annuellis and ordanis the collectouris to mak him payment thairof quhilk salbe allowit to thame in thair comptis.

The Corce to be upput and biggit.—The quhilk daye the bailleis and counsall ordanis Johnne Hart Thesaurer to vpput and big sufficientlie the corce and quhatt expenssis he makis thairupoun salbe allowit to him in his comptis.

Decimo Octavo Decembris.

The quhilk daye in presence of the bailleis and counsall compeirit Johnne Brand Minister haifand the gift pertenand to him of the annuellis quhilkis pertenit to our Ladie Altar sumtyme situat within the perroche kirk of Halirudhous be dispositioun and rycht maid to him of the samyn of befoir of his awin frie motive will renuncit transferrit and ourgave lyik as he be the tennour heirof renuncis quiteclames transferris and ourgevis his said gift and tytle of the saidis annuellis sumtyme pertenand to the said altar with all rycht clame &c. In favouris of the saidis bailleis counsall and communitie of the said burch to remane with thame

and thair successouris perpetuallie in all tymes cumyng and thatt for the sowme of xl ℔ monye to be payit yeirlie att Witsoundaye and Mertimes be the saidis bailleis counsall and communitie to the said Johnne Brand salang as he remanis Minister att thair said perroche kirk.

Vigesimo Martii.

The quhilk daye in presence of the bailleis and counsall Comperit Dauid Scroghie and of his awin consent become actit and obleist as cautionar and souertie for Johnne Mosman sone to Johnne Mosman burges of this burch that the said Johnne youngar sall att quhatt tyme or how sone he be chargit compeir befoir the kirk and assemblie of this burch and obey and fulfill sic Injunctionis and ordainences of puneisment thatt salbe laid to his charge for fornicatioun committit be him and alse thatt he sall fulfill and obeye the satisfactioun and punischment thatt salbe commandit him to do to James Selkrig and Johnne Sprott thair officiaris for injuring and doing thame wrangis in executioun of thair offices and that att the sicht and delyuerance of the saidis bailleis and counsall And siclyik that the said Johnne sall in na tyme heireftir truble molest nor injure the saidis officiaris be word nor deid under the panis of ane hundreth pundis monye to be payit be the said Dauid as cautionar foirsaid incaise the said Johnne failye in fulfilling and observing in onye parte of the premissis as the saidis bailleis and counsall sall think expedient and the said Johnne Mosman eldar become souertie to releif the said Dauid anent the cautioun.

Decimo Sexto Octobris Anno I^{m} V^{c} *lxxiij*^{o}.

Non to receue unfreemen to work in thair houssis.—The quhilk daye the Bailleis and Counsall ordanis and statuittis thatt in all tymes that

na maner of craftisman or trafficquer of onye tred or occupatioun within this burch att his awin hand without licence grantit be the saidis bailleis and counsall of befoir nocht being burges thatt thai persouns sall haif na delaye of tyme for payment of thair burgeschip And quhatsumevir burges or inhabitant within this burgh that ressauis onye sic persoun or permittis him to use onye tred or traffieque within thame in thair places or rowmes thatt thaye sall paye for the first falt xl ﷺ iiij ℔ the secound the thrid falt tinsell of thair fredome.

Octavo Aprilis I^{m} V^{c} *lxxiiij.*

That ane new stope be bocht.—The quhilk daye the saidis baillies and counsall ordanis that George Skaythwie pas to Johnne Weir pulderar and bye fra him ane new stope according to the mesour of the last proclamatioun in Edinburgh quhilk salbe allowit to him in his comptis.

Vicesimo Septimo Maii.

That all pendis biggit within this burgh be lyk utheris &c.—The quhilk daye the haill bailleis and counsall being convenit hes concludit be voitt thatt all pendis biggit or to be biggit within this uberh be all lyik wthirris in payment of thair dewtie and estemit in all tymes cuming to be wtheris brethir nochtwithstanding the quantitie and bowndis of rowmes And alse statuittis thatt in all tymes cuming everie pend biggit or to be biggit sall pay of yeirlie maill and taxatioun to the commoun guid iij ℔ iiij ₰ Begynnand the first payment heirof att the feist of Witsoundaye nixt to cum and swa furth yeirlie and termelie in all tymes cuming quhill the tyme thatt other ordour be tane anent thair dimolisching and downe casting or uther reformatioun be our Soverane

Lord or his grace Regent And as towart sic persouns quha hes thair pendis alreadie biggit and refuissis to paye the said yeirlie dewtie ordanis ane officiar to pas and warne the saidis personns to tak downe thair saidis pendis within xl dayis thaireftir vpon thair awn expenssis With certificatioun and thai failye the saidis bailleis and counsall will caus tak downe the samyn upon the parties expenssis And that na pendit be biggit heireftir be na maner of persoun without the samyn be first sene and considderrit be the saidis bailleis and counsall and thair licience grantit thairto under the pane of ane unlaw and dimolisching of the samyn.

Decimo Junii.

Anent the receiving of Deacons upoun Counsall.—The quhilk daye the bailleis and counsall hes fundin Williame Quhite being electit and chosin diacone of the cordonaris be his brethir for this present yeir sufficient and qualifeit worthie thairof and consentit to be ressavit in the nummer of the counsale in place of umquhill Andro Purves quha is sworne and ressavit for this present yeir to remaine thairon quhill the nixt electioun and presentatioun of ane wther in his office.

The quhilk daye the bailleis and Counsall all in ane voce be voitt hes ordanit and statute that this ordour be taikin in all tymes cuming anent the ressaving of Diacones upon counsall that incaise qubatsumevir diacone of the craftis be electit and being presentit to the Counsale nocht being fundin be thame qualifeit and able thairfoir it salbe leissum to the saidis bailleis and Counsall to refuise that persoun and ane wthir to be chosin and presentit to the brethir of thatt craft to be put in his place nochtwithstanding he be nocht diacone being fund sufficient and qualifeit for the samyn.

Vicesimo quarto Junii.

Comparentes.

Bailleis { Johnne Achisoun, James Wilkie, Johnne Harte } James Harte, George Skaythwie, James Eistoun, Williame Murraye, Andro Borthuik, Johnne Makcoule, Williame Quhyte

The haill fleschouris commandit to be wardit.—The quhilk daye the bailleis and Counsale all in ane voce ordanit the haill fleschouris to be commandit in warde quhill thai pay the Mertimes and Witsoundaye maillis And alse ordanis Williame Persoun to remane in warde for his offence in euming and denying of thair actis of Counsale quhair he was actit of befoir for payment of xx s for his stok maill during thair willis.

Octavo Julii.

That na Craftisman use tred within the burgh until he be frie.—The quhilk daye the bailleis and Counsall ordanis thair officiaris to pas and discharge all maner of persouns Craftismen and traffiequaris within this burch usand onye kynde of tred unto sic tyme thai mak thame frie under the panis of warding of thair persouns that contravenis the samyn.

Decimo Octavo Octobris.

The quhilk daye the bailleis and Counsale beand convenit ordanis thair Thesaurer to big and upput ane yett upon Rais Cloce and mak the samyn lokfast and alse to bye ane lok and key to the Wattir yet quhilk salbe allowit to him in his comptis.

Quinto Novembris.

John Castellaw ordanit to pay xl ℈ *for his absence from the Burgh.*—The quhilk daye the bailleis and Counsale haifand hard and considdirrit the supplicatioun gevin in to thame be Johnne Castellaw smyth for his being absent and remanyng furth of this burch with his houshald and familie yeir and daye bipast he being chargit be the officiaris and be oppin proclamatioun (as he confessit) and thairfoir the said Johnne become in the saidis bailleis and Counsall will for the samyn The saidis bailleis and Counsale haifand consideratioun of the said Johnne guid will and mynd borne towartis the nychtbouris of this burch and that he hes payit contributioun with the brether of his craft decernis and ordanis him to paye xl ℈ of compositioun.

Vicesimo quinto Novembris.

Rolping of the commoun annuellis of the Burgh.—The quhilk daye eftir the dew rolping of the commoun annuellis as use is the samyn wes sett be the bailleis and Counsale to Thomas Huntar and George Skaithwie for the termis of Mertimes *in anno* lxxiiij instant and Whitsoundaye nixt to cum *in anno* lxxv yeiris for the sowme of fiftie ane markis vi ℈ viii ₰ to be payit at Michaelmes nixt to cum Providing alwayis the Minister and Redar be payit of thair stipendis thairof att the termis usit and wont And Johnne Smyth baxter become souertie for the said Thomas and Johnne Schort become souertie for the said George for payment of the said sowme and the saidis Thomas and Johnne obleissis thame to releif thair saidis souerteis.

The Compte of Johnne Harte Thesaurer of his intromissioun with the commoun guid of this burgh of the termis of Martimes anno I^{m} V^{c} *lxxii and Whitsoundaye in anno lxxiii yeiris maid in presence of the bailleis and Counsall as followis.*

THE COMPTAR CHARGE.

Fra the Laird of Pilrig for his mertimes maill of the commoun muir &c. iiij ℔i

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Summa totalis onerationis ane hundred fife pund xiij s iij d.

The Comptar Discharge and exoneratioun as followis.

To Agnes Johnnestoun be command of precept for ane lyttle buird to the tolbuyth - - - - vi s

To ane work man for rowing of the corse stanis af the calsaye xij d

To Johnne Schort for his baillie fie - - iiij ℔i

To Andro Borthuik baillie for his fie - - iiij ℔i

To James Hairt baillie for his fie - - - iiij ℔i

To ane workman for the doun takin of the sclaittis of the tolbuith xij s

Item for the biging up of ane dur and ane windo - xviij d

Item for twa cruikis to the nethir seller - - iiij ℔i

For inputting of the said crwikis and twa pund of leid to thame ij s vj d

To Maister Dauid Makgill to procuir aganis the toun of Edinburgh ane angell noble price - - - lv s

To William Brysoun Maissar for summonyng of Johnne Ramsaye custummer - - - - - v s

To Robert Scott wryter for outdrawing of ane act - xxv s

To James Harte att the command of the bailleis for his fie iiij ℔i

And to George Skaithwie - - - xx ʃ
To Jonet Wilsoun for the commwnioun wyne - l ʃ
To Maister Dauid Borthuik and dowble ducat price iij ℔ xvj ʃ
To Thomas Huntar to geve Mr Dauid M'Gill - iij ℔
To the said Thomas to geve Mr Henry Kynross to procure aganis Adame Foulartoun and the toun - - iij ℔
To James Brouklaye for rowing of the stanis of the croce quhen the Inglish cannownis come to sege the castell - xviij d
To Robert Wethirspwne quhilk wes warit on the pyper claise - x ʃ
For making of the pyper claise and pasmentis thairto xiiij ʃ viij d
To Johnne Sprott officiar att command of the bailleis iiij ℔
To Thomas Huntar to delyuir to Maister Dauid Bortheik to procuir aganis Edinburgh ane angell noble pryce - lvj ʃ
Item for biging vpe with stane ane dur - - xij d
To James Wilkie baillie for his fie - - iiij ℔
To George Skaythwie to gif Johnne Hendirsoun for making of the billis aganis Edinburgh - - - xv ʃ viij d
To the twa officiaris for thair feis for the space of ane yeir to cum viij ℔
To Gilbert Blak of the rest of the maill of the tolbuith of the terme of Whitsoundaye in anno Im Vc lxxiij yeiris - - iij ℔ ix ʃ
Item to Thomas Huntar to gif to Mr Henry Kinross to procure iij ℔
Item for candill to the communioun - - iij ʃ iiij d
Item for careing of the tables and formis - - xviij d
Item to James Abercrummy be command of the bailleis and counsall conform to ane precept for satisfactioun of ane annuell awand to the Convent furth of our Ladie land of all yeiris bipast and to cum during James lyif tyme as collectour the sowme of - x ℔
Item to Thomas Huntar to gif the procuratouris of the commoun actioun and allowit be the bailleis - - iij ℔ xij ʃ
Item to Robert Scott for extracting of the principall proces furthe of the registar - - - - - x ℔

Item to James Logane to bye ane buik at command of the bailleis xl ʂ
Item to Thomas Huntar to geve Maister Henrye Kinross at command of James Wilkie baillie - - - - v ℔
Item to Maister Dauid Makgill ane roise noble the pryce iiij ℔ xvij ʂ
Item to Johnne Kirkwod tailyeoure att the command of the bailleis xl ʂ
Item to Robert Ayttoun att the command of the bailleis and counsale for the tolbuyth maill - - - vj ℔ vj ʂ viij đ

Penultimo Decembris.

Comptis of the Assyise wyne assignit for the Girth corce.—The quhilk daye the bailleis and counsale haifand hard sene and allowit the comptis of Thomas Huntar of the assyise wyne intromittit with be thame of the termes of Witsoundaye and Martimes in Anno Im Vc lxxiij The saidis bailleis and counsale dischargit and exonourit the saidis Thomas and Williame thairof for evir and thatt becaus the samyn wes assignit to the said Thomas and umquhill Cuthbert Fergussoun of befoir in recompensatioun of the expenssis of the girth croce.

The compt of George Skaithwie Thesaurer of his intromissioun with the commoun guid of this burche of the termes of Martimes in Anno Im Vc *lxxiij and Witsoundaye and Martimes in Anno* Im Vc *lxxiiij &c.*

Fra Johnne Johnnestoune Sword sleper for his burgesschip iiij ℔ quhilk was gevin to John Brand minister be command of the Baillies

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Summa totalis onerationis fourscoir aucht pundis sax schillingis viij đ.

The Comptaris discharge and exoneratioun as followis.

Imprimis to Cuthbert Fergussouns wyif for the communioun wyne iij ℔ ij ʃ vj d

To James Selkrig officiar for his awin expenssis in horse wagis ryidand to Peblis with the bailleis - - - xxxvj ʃ

To sax pynouris att the bailleis command for taking doun of the lintall stane of the auld tolbuith windo - - iij ʃ vj d

To ane new pyper befoir James now our pypare wes entirit att command of the bailleis - - - - xiiij ʃ iiij d

To Williame Robisouns wyif for the scuill maill - xl ʃ

Item for ane daill to be ane table to the communioun vj ʃ viij d

Item for ane aikin trie to be formis - - - xvj ʃ

Item for ane wther aikin trie to be feitt to the new and auld formis viij ʃ

Item for ane double spar to the communioun buird - ij ʃ vj d

Item for ane quarter hunder plenehoune naillis - - ix d

To Crawfuird for bering of the tymmir to the wrycht in the kirk xvj d

To the sawaris for sawing the tymmir to be formis - vj ʃ

To Henry Mylne wrycht for ane trape to the poulpatt iiij ʃ

Item to the said Henry for thre dayis laubour in preparing and making of the tables to the communioun - - ij ʃ viij d

To Johnne Weir pulderar for ane new Jwcate of tin weyand thre ℔ and ane half pryce of the pund iii ʃ vi d *Summa* - xj ʃ viij d

To Johnne Trumbill cowper for ane new firlott - xiij ʃ

To Johnne Brand Minister - - - iiij ℔

and thatt for Johnne Johnnestonis sword slipper burgeschip

To Williame Brysoun messinger for charging of Thomas Hunter and the Bischope to compeir befoir my Lord Regentis grace and Secreitt Counsall for reparing and bigging of the kirk - - v ʃ

The expenssis of preparing of the saittis and bar to the tolbuith as eftir followis.

Imprimis for five auld daillis and ane half to be saittis in the tolbuith pryce of the pece vj s viij d *Summa* - xxxvj s viij d
Item for careing the daillis out of Leyth to the Cannogait ij s
Item for half ane dosane of sparris - - - viij s
Item for bringing thame out of Leyth to the Cannogaitt xvj d
For ane dowble spar to be feitt to the standertis of the bonkellis ij s vj d
For twa hundreth plencheoun naillis - - - vj s
To the saweris for sawing twa daillis and ane half - v s
To Alexander Barde smyth for bandis cruikis and stapillis to the bar dur of the tolbuithe - - - ij s vj d
Item gevin to the wrychtis for thair wagis - - x s viij
Item to Johnne Achisoun in his fie - - iiij li
To the calsaye maker at command of the bailleis - xviij s
To Johnne Sprott officiar to geve George Gibsoun for ane act of delyverance of the Lordis of Counsall and letters direct thairupon for summonyng of certane preifis to preve our possessioun of the grammer scuile for the first terme - - - xiiij s
To Robert Ayttoun for the tolbuith maill for the martimes terme in Anno I^m^ V^c^ lxxiiij yeiris - - viij merkis
To the Maister of the scole to gif ane messinger to suspend ane bill delyverit be the Lordis - - - twa s
To Richert Schankis for the auld tolbuith maill - iij li
To the pypare to bye his claise - - - vj li
To Thomas Hunter for twa garrouns of aik to be cheikis soill and lintale to the yett in Rais cloise - - - viij s
Item for ane daill to the yett - - - vj s viij d
For sawing of the daill - - - - ij s

For xi pundis Irne of maid work in cruikis and bandis to Alexander Baird smyth pryce of the pund xij d *Summa* - xj s̃

For lok kie and stapill to the yett - - viij s̃

For lyme to lyme the yett - - - iij s̃

For beiring upe of the yett and dur cheikis - - viij d

For naillis to naill the yett - - - ij s̃

For naillis to naill the bandis of the yett on - - vj d

To the wrychtis for making of the yett - - x s̃

For twa halbertis to the officiaris - - - xxxij s̃

Item in drink siluer to the boye - - - vj d

Item gevin to Johnne Sprott to geve for letters to summond witnesses for preving of possessioun of our seule for the seeound terme xx s̃

Item to Johnne Crawfurde for xxiiij dayis thatt he keipit the wattir yett xxxvj s̃

Item gevin to Johnne Aichisoun in his fie for Andro Chalmeris burgeschip - - - - - iiij ℔i

To Johnne Sprot and James Selkrig officiaris for thair feis viij ℔i

Item I want James Bowie flescheour Martimes stok maill *in Anno* I^{m} V^{c} lxxiij yeiris - - - - x s̃

Item I want of Gawane Watt fleschouris the haill thre termes maill xxx s̃

Item I want of Thomas Neill fleschour uther thre termes maill for his stok - - - - - xxx s̃

To Johnne Young seruand to James Logane att command of ane precept - - - - - iiij ℔i

Item to James Wilkie baillie for his fie for the terme of Martimes in *Anno* lxxiiij and Witsoundaye lxxv yeiris

Item to James Hart baillie for his fie - - iiij ℔i

Swa all thingis beand allowit hard sene and considdirit the Comptar is restand awand *de claro* the sowme of Sevintein pundis xvj s̃ j d.

Vicesimo Sexto Januarii.

Mortclaith.—The quhilk daye the Bailleis and Counsall ordanis George Skaithwie Thesaurer to bye ane mort claith of Franche blak ane basein of tyn quhilk salbe allowit to him in his comptis.

Gilbert Wat to set doun on his knees and ask forgivenes.—The quhilk daye Gilbert Wat flescheour being wardit within the tolbuith of this burch for the injuring and blaspheming of James Hairt baillie as the said Gilbert confessit he wes ordanit to sit doun on his kneis and ask the said James Hairt bailleis and Counsall forgevenes and in lyikmanir to do the samyn on Setterday nixt to cum in the sessioun of the kirk And als the said Gilbert obleist him of his awin consent that gif ever he be convict in the lyk offence to ony Magistrat of this burch to tyne his fredome and remove him selfe furth of this burch during the bailleis and Counsall will.

Vicesimo quarto Februarii.

John Smyth to remane in waird and pay ane unlaw.—The quhilk daye the bailleis and Counsall ordanis Johne Smyth baxter to remane in waird induring thair will for the injuring of George Skaythwie Thesaurer in thair presens saying to him all thingis he spak was bot lesingis And thairfoir decernit him to pay ane unlaw of fiftie schillingis And in cace the said Johne commit the lyke fault in ony tyme cumming never to bruik office in Counsall heireftir.

Quinto Augusti Anno I^{m} V^{c} *lxxv.*

The quhilk daye in presens of the bailleis and Counsall the evidentis

eftir specifeit wer presentit and input in the commoun box That is to say Ane Chartour and precept under the greit and quarter scillis of the Donatioune of annuellis and Chapelanreis wantand the sesing togither with the contract betuix this burch and Leyth all in ane buist.

Item in ane vther box the Commoun Chartour of the fundatioune of the Libertie of this burch with the copy of the principall summoundis betuix this burgh and Edinburgh Als four chargis and deliverances of the Lordis with tua Instrumentis thairvpoun anent the Custumes at the nethir boll and ane sesing of xl s̄ annuell furth of Williame Kintra land.

Decimo Quinto Novembris Anno I^{m} V^{c} *lxxvj°.*

The haill counsale convenit except Andro Borthuik.

The comptis of George Skaithwie Thesaurer and Collectour.

Oneratio.

The said Comptar chargis him with intromissioune of the commoune guidis of this burch and annuellis of the termes of Witsounday and Mertimes Anno I^{m} V^{c} lxxv and Witsounday Anno I^{m} V^{c} lxxvj in maner following.

In the first with the maillis of the commoun mwre of the saidis thrie termes extending to - - xij ℔ ß

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The comptar chairgis him with the commoun annuellis of the said burch of the termes of Mertimes in Anno I^{m} V^{c} lxxv and Witsounday lxxvj conforme to the sett thairof to him extending to fiftie fyve markis.

Followis the Discharge and Exoneratioune of the said Comptar alsweill of his Intromissioun of the Thesaurie as Collectorie.

Item in the first vpoun the xiij day of Januar gevin to Dene James Abercrumby at the bailleis command - - ix ʃ
Item vpoun the fourt day of Februar gevin to ane Candilmaker for candill to the Communioune - - - v ʃ
Item vpoun the aucht day of Januar gevin to James Hairt to geve Mr Dauid M^cGill to procure in Thomas Huntaris caus befoir the Lordis of Secreit Counsale - - - - v ℔
Item vpoun the fyft of Junii gevin for lattoun to mark the pure ij ʃ vj d
Item to Robert Aittoune for the Witsoundaye and Mertimes lxxv and Witsoundaye lxxvj yeiris maillis of the tolbuith xxiiij merkis
Item vpoune the xxi day of Julii Anno I^m V^c lxxv gevin to ane swaschear at Johnne Schoirtis command - - xx ʃ
Item the samein day gevin for ane quarte of wyne to geve to Johnne Frenche and Thomas Ramsay the first day of our mowstiris at Johnne Schoirt and James Wilkie command - - x ʃ
Item vpoun the xxvi day of Julii gevin to Johnne Bell smyth for the making of the Irne to the pulpit to hald the basing - ij ʃ
Item vpoun the secound day of October gevin for candill to the communioun - - - - - v ʃ
Item tynt of xiiij ℔ of plackis and hardheidis be the crying doune of the siluer - - - - vj ℔
Item gevin to mak out Thomas Huntaris xl ℔ quhilk wantit of the stent as the stent roll heir beiris - - xvj ʃ viij d
Item gevin Carsane the swaschear that day we moustirit xxx ʃ
Item the samein day gevin to the pyper at the bailleis command viij ʃ

Item the samein day gevin to ane bonetmaker fallow to play on my Lordis swasche - - - - vj ʃ viij d
Item gevin to Williame M^c^Neill at the bailleis command for ane sesing gottin fra him of Williame Kintrayis land - - iiij ℔
Item gevin at the bailleis and counsall command for x quarteris of French blak to be ane mort claythe price of ane elne liij ʃ *Summa* vij ℔ v ʃ
Item gevin for ffour elnis and ane halfe of buerume to lyne the mort clayth price of the elne vj ʃ *Summa* - - xxvij ʃ
Item gevin to ane tailyeour to lyne the samein - - v ʃ
Item gevin for ane basing - - xxiiij ʃ
Item gevin to Maister Johnne Hairt Thomas Chirries burgeschip for his fie viz. - - - - iiij ℔
Item the samein day gevin at the bailleis and counsall command to Andro Hay maltman for his suppoirt - - iiij ℔
Item upoun the xxiij day of November gevin to ane officiar for ganging to Leith to summond Johnne Inglis about our annuellis ij ʃ
Item the same day gevin to Horne for bigging of the hoill in the bak of the tolbuith - - - - iij ʃ
Item for lyme and sand to it - - - iij ʃ
Item the samein day gevin to the Frenche broudinster for the armes of the moirt claith - - - - iiij ℔
Item gevin to Johnne Schoirt and James Graye bailleis for thair feis in the yeir of God I^m^ V^c^ lxxv yeiris - - viij ℔
Item vpoun the viij day of Januar gevin to thrie pynouris to carie the cheik of the poirt to Johnne Bellis buith - - xij d
Item gevin to thrie pynnouris for taking of the auld tymmer out of the tolbuith to my close - - - - xviij d
Item gevin to Johnne Bell Smyth for making of the key of the commoune box - - - - ij ʃ vi d
Item vpoun the xix day of Januar gevin to Johnne Millaris wyfe for wesching of the communioun claise - - iiij ʃ

Item the samein day gevin to Johnne Bell smyth to graith the watter yet - - - - - x ʂ

Item vpoun the xxi day of Aprill to Andro Borthuik to geve Wilyeame Logane officer for the copie of the charge anent the boulyeoune iij ʂ

Item gevin to the officiaris for thair feis of the yeir of God I^m V^c lxxv yeiris - - - - - viij ℔i

Item vpoun the xxij day of Aprill gevin to Mr James Ritchie for obteining of our decreit vpoun Johnne Inglis anent our annuellis of Chissolmes land - - - - iij ʂ iiij đ

Item the samein day to the officiaris - - viij đ

Item vpoun the vj day of Maii gevin to Johnne Schoirt baillie to geve for suspending of the letteris anent the boulyeoune - xiij ʂ iiij đ

Item vpoun the viij of Januar anno I^m V^c lxxvj gevin at the bailleis and counsall command for vij elnis of lynning claith to eik out the communioun clais price of the elne iiij ʂ *Summa* - xxviij ʂ

Item the samein day gevin to James Gray baillie to geve for delivering of the bill befoir the Lordis anent the boulyeoune - xxviij ʂ

Item vpoun the xxviij day of Maii gevin to Johnne Schoirt baillie to geve Mr David M^cGill procuratour for the boulyeoune iij ℔ib

Item vpoun the xix day of Julii gevin to Cauldwellis Phesar the day of our mousteris at Johnne Schoirt command - - x ʂ

Item the samein day gevin to James Selkrig for the lane of his horse to James Gray baillie to ryd to Dalkeyth anent the boulyeoune vj ʂ iiij đ

Item the samein day gevin at the bailleis command to ane boy to play upoun my Lordis swasche - - - vj ʂ viij đ

Item the samein day to our awin pyper - - ij ʂ

Item gevin to Lady Naper at the bailleis command for thrie pyntis of aill to thame - - - - - ii ʂ

Item upoun the xxiij day of Julii gevin for the lane of ane horse to Mr Johnne Hairt to ryde to Dalkeyth to the Regent anent Johnne Craufuirdis wairding - - - - iiij ʂ

Item gevin to James Selkrig officiar to the men that kepit the said Johnne in waird within the tolbuith - - xvij š iiij d
Item gevin to Williame Robesoun wyfe for Mr Johnne scholemaisters maill - - - - iiij ti
Item the tent of October gevin for ane swasche to our moustiris iiij ti
Item the samein day gevin to Cauldwellis Phesar at Johnne Schoirtis command - - - - - x š
Item gevin to ane boy to play on my Lordis swasche vj š viij d
Item the samein day gevin to our awin pyper at Johnne Schoirtis command - - - - - iij š iiij d
Item the samein day gevin to James Selkrig officiar to pay for thair disiunis that playit on the swasche - - iij š
Item upoun the last day of Junii gevin for rasing of Johnne Inglis decreit anent the annuellis of Chissolmes land - iij š iiij d
Item for twa stickis to the swasche - - - vj d
Item gevin to Alexander Baird for setting on of the loke of the tolbuithe dure that Craufurde the wairder brak - - xij d
Item on the xij of October gevin for waseching of the communioune clais and for saip to thame - - - iiij š
Item the samein day gevin for candill to the communioune - vj š
Item vpoun the xx day of October gevin for candill to our awin communioun - - - - - vj š
Item upoun the xxij day of October gevin to Johnne Reid messinger for chargeing of the bailleis of Edinburgh anent the consigning of our boulgeoune - - - - vj š viij d

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The comptar chargis him with the commoun annuellis of the termes foirsaidis extending to fyve markis conforme to the sett.

His Exoneratione and discharge as followis.

In the first to Johnne Brand Minister for his fie of the foirsaidis termes of Witsounday and Mertimes Anno I^m V^c lxxv and Witsounday &c. lxxvj extending to - - - - xxxiij ℔i
Item to Alexander Thomesoune Reidar for his fie of the saidis termes xv ℔ƀ

Summa - xlviij ℔ƀ

Swa the comptar debursit mair nor his sett - xi ℔ƀ iij ʂ iiij ₫ to be allowit to him in the superplus of his Thesaurie comptis preceiding.

Octavo Augusti Anno I^m V^c *lxxvij°.*

The principall Chartour of the Burgh.—The quhilk day the bailleis and counsall Ordanis the principall chartour concerning the libertie of this bureh to be tane furth of the box and delyverit to Johnne Achesoune to the effect my Lord Regentis grace may have inspectioune thairof.

xxi Januarii.

Collectouris of the Stent to mak thair Comptis.—The quhilk day the bailleis and Counsall ordanis the collectouris of the last stent to mak thair Comptis this day xv dayis And als James Hairt and Andro Borthuik to mak payment of the xvij ℔i borrowit furth of the box to pay the bulyeoun of Leyth.

xxviij Octobris Anno I^m V^c *lxxviij°.*

The Baillie depute of the regalitie of Halyruidhous.—The quhilk day

Johnne Watsoune baillie depute of the regalitie of Halyruidhous beand requyrit for payment of xvij ℔ borrowit furth of the commoun box quhilk was payit for the inhabitantis of Leyth pairt of the bulyeoune Quha ansuerit he aucht nocht to ansuer thairfoir to the saidis bailleis bot only to the Justice Clerk.

Sexto Octobris.

The quhilk day William Fendar dagmaker is maid burges sworne and admitted and hes payit to James Eistoun Thesaurer v ℔.

xvij Novembris.

The quhilk day Robert Mitchell tailyeour wes maid burges *gratis* sworne and admittit at the desyre of my Lord Justice Clerk.

xxviij° Decembris.

The quhilk day Williame Vaus Armorar was maid burges sworne and admittit and hes payit v ℔ to the Thesaurer.

Anent the Contribution for persute of the friedom.—The quhilk day the bailleis and Counsall all in ane voice consentis to the contributioun of the expensis that Thesaurer Huntar sall happin to mak upoun the persute of the friedome & intentit of befoir aganis Edinburgh becaus the samyne appertenis to the haill burch as ane commoune caus.

Quinto Aprilis Anno I^{m} V^{c} *lxxx°.*

The Grammer Schole.—The quhilk day compeirit Gilbert Tailyeour

Skuilmaister and renuncit and dimittit his gift grauntit to him be Adame Bischope of Orknay of the rycht of the grammar Schole during his lyf-tyme in favouris of the bailleis and Counsall Quha grauntit the rycht and tytill thairof to the said Gilbert to be haldin of thame as thai quha hes undouttit rycht to dispone the samyne And that salang as the said Gilbert suld remane within thair burgh in teiching of the youth and farder induring the saidis bailleis and Counsall will allanerlie Quhair-upoune Johnne Craig Thesaurer askit act of Court and Instrumentis.

Penultimo Septembris.

The quhilk day the bailleis and Counsall hes set the wnlawis of xij d of everie pund that beis recoverit aganis all defendaris wilfull pleyaris conforme to the Act of Parliament for the space of ane yeir to Andro Borthuik for the sowme of xij li money quha obleissis him to mak pay-ment thairof at the nixt electioune of the bailleis *in anno* lxxxi yeiris and George Skaithwic souirtie with the said Andro thairfoir.

The quhilk day Robert Gourlaw was maid burges sworne and ad-mittit *gratis* at the requeist of my Lord Halyruidhous.

xiij Decembris.

Anent ventaris of wyne.—The quhilk day it is statute and ordanit be the bailleis and Counsall that na maner of persoune or persounes ven-taris of wyne within this burgh fra this tyme furth ressave ony wyne within thair houssis or sellaris to be sauld except thai first declair the nummer of twnis ather to ane baillie or to the Thesaurer wnder the panes of xviij s of wnlaw sa oft as thai failyie.

xvij° Januarii.

Evidentis concerning the alterage of umquhill Sir William Barbour.— The quhilk day the bailleis and Counsall haveand ressavit ffour peicis of evidentis concerning the alterage of umquhill Sir Williame Barbour be his relict In consideratioune quhairof thai have ordanit Johnne Brand Minister to pay to hir v merkis of the Martimes terme annuell last bypast.

xxv Maii 1581.

The Compt of Johnne Brand Collectour of the Annuellis of the termes of Martimes lxxix and Witsounday lxxx Extending to l ℔i His exoneratioune be allowance following.

Imprimis allowit to him for pairt of payment of his stipend of the saidis termes - - - - - xxij ℔i

Item to Alexander Thomsoun Reidar for his stipend of the saidis termes xvj ℔i

Item debursit to the Belman for his claythis schone and uther necessaris iij ℔i iij ℥ vj ₰

Item gevin for the expensis in the pleyis of Johnne Wardlaw Johnne Chisholme and the Maister of the schole in lybelling summounding to maisseris and officiaris actis and vther small effairis for the saidis pleis and schole - - - - iij ℔i vj ℥ viij ₰

Item to wmquhill Sir Williame Barbouris wyff iij ℔i vj ℥ viij ₰

Summa xlvij ℔i xvij ℥ x ₰.

Swa restis the Comptar *de claro* xlij ℥ ij ₰ quhilk wes instantlie deliverit to George Skaithwie Thesaurer And thairfoir the bailleis and Counsall dischargis the said Johnne Brand and his cautionaris of the said sowme of l ℔i.

Nono Novembris.

The Kingis Stent.—The quhilk day the bailleis and Counsall Ordanis ane stent of xxx ℔ to be collectit to satisfie the Kingis stent for releving of my Loird Halyruidhous for the taxatioun of xl[m] ℔ to my Loird Montroise Thesaurer to our Soverane Loird.

xiij Martii.

The Gallowly sett to William Makneill.—The quhilk day the bailleis and counsall hes sett the Gallowly to Williame Makneill for the space of ane yeir for iiij ℔ vj ß viij ₰ at Witsounday and Martimes Robert Wethirspune souirtie thairfoir.

xxj Junii 158[illegible].

Acquittance of Harlaw Wode by James Erle of Moirtoune.—The quhilk day Andro Borthuik hes ressavit furth of the box the acquittance of Harlaw Wode gevin be James Erle of Moirtoune of the dait the day of Anno I[m] V[c] lxxvij yeiris.

Alexander Arbuthnet obligation anent the Byble.—The quhilk day James Eistoune hes ressavit furth of the box the obligatioune of Alexander Arbuthnet anent the byble.

The quhilk day Williame M[c]Neill ressavit the commoune seill.

Septimo Augusti.

Anent injuring or blasphemy of the Baillies.—The quhilk day Johnne Achesoune Johnne Schoirt Mr Johnne Hairt Andro Borthuik Thomas

Huntar Johnne Kello Johnne Smyth Johnne Blak Williame Porteous Mr Archibald Wilkie Thomas Blair and Johnne Sinclare bailleis and counsall of the burch of the Cannogait sittand in Jugement Compeirit George Skaithwie burges of the said burch quha being accusit of the blaspheming and injuring of the saidis Andro Borthuik and Thomas Huntar bailleis Saying that thai had done the said George wrang in the pronuncing wranguslie of ane decreit aganis him at the instance of James Dowglas in Innerask &c Quhilk offence the said George grauntit and confessit and thairfoir become in the said bailleis and counsall willis And for amendement thairof the said George according to the ordinance askit God and the saidis bailleis and counsall oppinly forgivenes And thairfoir the saidis bailleis and counsall of consent of the said George statuit and ordanit that quhatsumevir persoun or persounes heirefter beis convict of the injuring or blasphemyng of the saidis bailleis or ony utheris bailleis for the tyme in executioune of thair office That thai salbe poyndit for ten pundis of unlaw to the puir for the first fault and tynsall of thair friedome and payment of uther ten pundis for the seeound falt with all rigour And the saidis bailleis and counsall consentis that the said accusatioune sall nawayis be prejudiciall to the said George heirefter in respect of the satisfactioune foirsaid.

Penultimo Octobris.

The quhilk day Williame Smyth dagmakar quha maryit Edward Prestounes dochtir burges of befoir was maid burges sworne and admittit and payit vj ʃ viij đ to the Thesaurer.

Sexto Novembris.

The quhilk day Robert Mitchell tailyeour being maid burges of

befoir is admittit to ryn wyne becaus he hes payit to the Thesaurer v li besydis his first friedome.

The quhilk day Andro Borthuik producit the acquittance of the raid of Harlaw Wode in my Loird Moirtouns tyme and the samyne wes delyverit to Mr Archibald Wilkie Thesaurer.

xxij Februarii.

James Wilkies yaird.—The quhilk day the bailleis and counsall being convenit upoun the yaird dyke and hedge standing betuix James Wilkies yaird and James Selkrig the cognitioune and tryell thairof quhome to the samyne appertenit being referrit of consent of baith the parteis to certaine witnessis sworne and admittit in presens of pairtie and instantlie examinat Findis the said hedge to stand upoune the said James Wilkies ground And decernis the samyne to appertene to him and his airis in all tymes cuming as thair propir heretage.

Tertio Aprilis 1583.

John Smith ressavit burgess again.—The quhilk day the bailleis and counsall convenit haveand consideratioune of the supplicatioune gevin in befoir thame be Johnne Smyth and of his penitencie thairin contenit Thairfoir the saidis bailleis and counsall all in ane voyce Decernis the said Johnne to be maid of new frieman and burges and his ayth to be tane thairupoune Swa that he may be restoirit *ad integrum* to all previlegis as he was of auld Lyke as thai have presentlie eftir his aith gevin ressavit and admittit him And decernis the said Johnne to pay the sowme of sax pundis of unlaw for his formar dissobedience in maner foirsaid And of his awin consent he is obleist that incaice he ever in ony tyme heir-

efter be convict in thryise contravening of the statuitis in tymes cuming and beis fundin contemptuoslie continewand thairin to forfault his friedome and to pay the sowme of xx ℔i to the commoun guid besyides the puneisment of his persoune as accordis.

The quhilk day the bailleis and counsall ordanis the lattir pairt of the act abone writtin anent the breking of the statuitis in maner foirsaid to be extendit and usit aganis all persounes inhabitantis within this burch that beis convict thairof And sielyke panes and puneisment to be usit aganes thame with all rigour and to be employit to the commoune workis.

Unlawis to be employit to the commoun workis.—The quhilk day the bailleis and counsall hes statute and ordanit all in ane voyce that the haill greit unlawis exceiding the unlaw of viij ℔ salbe put in the commoun box and to be employit to the commoune workis of this burch in tymes cuming.

Ultimo Aprilis.

The quhilk day Jherome Bowie Johnne Boig Cristell Lamb Andro Moir and Johnne Stobo servandis to the Kingis Majestie was maid burges and maid faith *gratis*.

xvi Julii.

Selling of unsufficient flesh.—The quhilk day Johnne Ra flescheour beand convict efter sufficient tryell for selling of unsufficient flesche and presentand the samyne to be sauld in oppin and publict mercat was ordanit thairfoir to be poyndit for ane unlaw of xl ℔ and to tyne his friedome gif he beis convict in the lyke fault heirefter.

Octavo Octobris.

George Newtoune Inglisman.—The quhilk day Johnne Achesoune become actit band and obleist him as cautioner and souirtie for George Newtoune Inglisman allegit servitour to Sir Robert Bowis ambassadour to the Queynis Majestie of England within this realme for the tyme being than adiornayit and arreistit at the instance of Rawmound Blanche Frencheman burges and indweller of Burdeax and detenit in waird at his instance to enter and present the said George befoir the saidis bailleis in jugement upoun the premonitioune of aucht dayis wairning to ansuer at the instance of the said Rawmound Blanche and his procuratouris so far as accoirdis of the law and consuetude of this realme conforme to the clame and petitioune to be intentit and gevin in be writ be the said Rawmound and his saidis procuratouris aganes the said George befoir the saidis bailleis quhen and how sone the said Johne Achesoune salbe requirit and wairnit thairto upoune the premonitioune foirsaid.

Octavo Novembris.

That swyne be keipit in fastnes.—The quhilk day the bailleis and counsall convenit hes statuit and ordanit that all maner of persounes inhabitantis within this burch haveand ony swyne that thai keip the samyne in fastnes swa that thai cum nocht on the hie streit And gif thai be fund in ony yaird or nychtbouris skaith It salbe leassum to the persoune quhom to the skaith is done swa that thai may apprehend thame within the boundis of the samyne to slay the said swyne without ony recompance to be made be the slayer thairfoir And als the awner of the swyne to pay the sowme of xviij $\bar{s}$ of unlaw.

xvj Junii 1584.

James Davidsoune appointit Scholemaister of the Burgh.—The quhilk day the haill bailleis and counsall convenit hes appointit and agreit with James Dauidsoune Scholemaister quhill Witsounday nixt to cum for xx ł of fie and makis and constitutis him assignay to the x markis being in the handis of the Abbot and Convent of the pitty-commounes By and attour the said xx ł to be payit be thair said Thesaurer at Witsounday and Martimes Begynnand the first terme payment at Martimes nixt to cum And the said Mr James obleist him that he sall schaw the bailleis and counsall ane quarter of ane yeir afoir his removing that thai may provyd the nixt remeid to place utheris in his rowme.

Walter Broun appointit to serve in the kirk in reiding the prayers &c.—The quhilk day the bailleis and counsall hes appointit and agreit with Walter Broune to serve in the kirk in reiding the prayeris uptaking of the salmes and serve as ane clerk in the sessioune for the space of ane yeir fra Witsounday nixt to cum for x ł of fie allanerlie Begynnand the first terme payment at Martimes nixtocum.

xiij° Octobris.

That na burgesschip or unlaw nor dewtie be grantit frie.—The quhilk day the bailleis and counsall convenit all in ane voice hes statute and ordanit that na maner of burgesschip nor na uther greit unlaw nor dewtie concerning the commoune guid be forgevin or grauntit frie in ony tyme heirefter nochtwithstanding ony supplicatioune unto the tyme the tolbuith of this burch be edefeit and biggit and uther commoune workis as is to do be perfytit And quhatsumever persoune of the counsall that voitis in the contrare to pay the samyne burgesschip or unlaw out his awin purse to be employit to the saidis commoune workis.

xxv Februarii 1585.

Sederunt haill Counsale.—The quhilk day Robert Hammiltoune wright stoker of dagis and lang gunis was maid burges and freman of this burch quha was sworne and admittit and payit x lib of compositioune to the Thesaurer.

Computum Johannis Smyth Thesaurarii.—The quhilk day Johnne Smyth Thesaurer haifand maid his comptis of Thesaurarii of this burch of the termes of Martimes fourscoir four and Witsounday fourscoir fyve IT is fund be the saidis bailleis and counsall efter the inspectioune of the said compts Oneratioune and Exoneratioune that he restis awand *de claro* xxiiij š vj d quhilk is dischairgit to him for expenssis maid upoune ane puir man veseit with the pest in the land pertenand to Thomas Ramsay Thairfoir the saidis bailleis and counsall ordanis ane generall acquittance to be maid to the said Thesaurer of his intromissioune with the commoune guid of the foirsaidis termes.

Tertio Octobris 1587.

Followis the Ordinance and Injunctiounes prescryvit be the Bailyeis and Counsall and to be observit be the Officiaris thairof in putting of thair decreittis to executioune.

Item it is statute and ordanit that the officiaris of this burgh efter the expyring of the terme of law of all decreittis to be ressavit be thame Thay poind the persounes guidis aganes quhome the decreit beis pronuncit and appryse the saidis guidis lauchfullie thrie mercat dayis within xv dayis thairefter and make payment to the partie persewar And swa to put the decreittis to dew executioune within the saidis xv dayis or uther-

wayes to mak faith thay can get na guidis of the pairtie defendar poindable Or ellis to declair thai ar deforcit With certificatioune and thai failyie heirintill that the officiaris persoune quhome of the pairtie salhappin to complene for nocht putting of his decreit to dew executioune sall remane in waird quhill payment be maid to the complenar conforme to the tennour of the decreit.

Decimo Octobris.

Sederunt haill Counsall.—The quhilk day It is statute and ordanit be the bailyeis and counsall that the haill actis and statuittis maid of auld concerning the weill of the burch and commoune effaires thairof be observit and keipit without ony contraventioune of the samyne and that all unlawis concerning the samyne be upliftit and put in the commoun box for repairing of the tolbuith and utheris commoune workis within this burch and that the persounes offendaris convict in unlawis remane in waird quhill the samyne be payit and nane of the counsall to be ressavit cautioune for the samyne And gif ony of the counsall objectis or procures aganes the uplifting of the saidis unlawis to be upliftit according to the statuitis maid of befoir thai to pay the samyne of thair awin proper guidis for contraventioune of thair aith maid in acceptatioune of thair offices.

Penultimo Decembris.

The roiping of the Gallowley.—The quhilk day the bailyeis and counsall ordanit the haill nichtbouris be sound of drum to be wairnit agane this day xiiij dayis To compeir to the roiping of the Gallowley.

The Burgh Drummer.—The quhilk day the bailyeis and counsall agreit with Johnne Thomsoune flescheour to serve and pas throw this

burch with his drum at ffour houres in the morning and aucht at evin for the space of ane yeir heirefter for the auld dewtie and fand James Eistoune cautioune that he sould keip his hour wind and weddar servand under the panes of xij đ of unlaw sa oft as he failyeit.

Sexto Januarii.

Unfriemen and topstaris to be warnit.—The quhilk day the bailyeis and counsall ordanis the Thesaurer to caus warne all unfriemen and topstaris to compeir befoir thame this day aucht dayis to ansuer to sic thingis as salbe layid to thair charge ilk persoune under the pane of xviij ß.

xiij Januarii.

The burgesses to have faill clay and devot from the Gallowley—The quhilk day efter the dew roiping of the Gallowley the samyne was sett to for the space of and for the payment of ffour pundis money at Witsounday and Martymes With powar to the said to teill the samyne and nawayis to saw ony coirnes thairon And with full libertie of the haill burgesses within this burgh to have faill clay and devot quhair the samyne may be had conforme to use and consuetude.

Sexto Aprilis 1588.

Anent the complaint of nichtbourheid aganis Alexander Hay.—The quhilk day the bailyeis and counsall beand convenit upoune the ground of the yaird and land pertening to Williame Stewart wryter in Edinburgh lyand within this burgh on the north syid thairof &c Anent the complaint of nichtbourheid gevin in befoir thame aganes Alexander Hay Makand mentioune That quhair in the hinderend of the moneth of

September last bipast the said Alexander be himselfe and utheris in his name at his command come to the said Williame nether yaird dyke pertening to him as ane proper pairt of his land and heretage lyand on the north syid of the hie streit quhilk sumtyme pertenit to umquhill Williame Lowsoune barbour and thair the said Alexander and thai incontrare guid nichtbourheid tuik away and spoilyeit the greatest pairt of the haill stanes being in the said Williame dyke holkit and undermyneit the samyne As alswa tuik doune the sait of ane prevy quhilk was biggit in the said dyke and had passage doune in his yaird thir xx yeiris past And quhairof the said Williame his tennentis and predicessouris was in peceable possessioune during that space And albeit that the said Williame hes diverse tymes requyrit the said Alexander to have biggit and repairit his said yaird dyke and in speciall the said sait of the said Williame prevy in als guid and substantious maner as it wes of befoir Nochtheles the said Alexander refuisses to do the samyne without he be compellit be us thairto &c As in the said Williame clame gevin thairupoune at mair lenth is content The Richtis ressounes and allegeances of ather pairteis beand proponit haird and considerit The saidis bailyeis and counsall of consent of ather of the saidis pairteis Decernis and ordanis the said Alexander Hay to construct and upbig the said dyke sufficientlie fra the ground thrie quarter heicht abone the ground of the said Williame Stewart yaird within xv dayis efter the dait heirof And the said Alexander to cut doune and tak away the twa asche treis growand within the said dyke and dispone thairupoune at his plesour And the said dyke properlie to appertene to the said Alexander and his airis as thair proper dyke of thair said yaird in all tymes cuming And to uphald the samyne and to keip the said Williame Stewart and his airis and thair said yaird skaithles thairof in all tymes heirefter Quhairupoune aither pairteis askit instrumentis.

xx° Augusti.

The quhilk day Thomas Huchesoune swordslyper was maid burges sworne and admittit and payit for his compositioune to the Thesaurer x ℔.

The samyne day Andro Lindsay quha maryit Alexander Grub swoirdslypers dochter being frieman and burges of befoir was maid burges sworne and admittit and payit for his compositioun to the Thesaurer vj ℔ viij ₰.

Quinto Septembris.

Anent disobedience of the Magistrattis and Memberis of Court.— The quhilk day Thomas Russell baxter being accusit befoir the bailyeis and Counsall for disobedience of James Eistoune bailyie upoune the feird day of September instant efter that the said bailyie him selfe and the officiaris of this burch in our soverane Loird name and my Loird Justice Clerk had commandit the said Thomas to pas to waird for the cruell stryking and dinging of James Dik Wilkeyne Pott and James Martene smyth burgessis of this burgh and divers uthers with ane pistolet upone thair heidis faces and schoulderis diverse bangis straikis to the effusioune of thair blude in greit quantitie and thairby contemptand and disobeyand the saidis bailyeis and officiaris efter that the said Thomas was commandit as said is at the stair fute of the tolbuith of the said burgh sayand the devill ane fute wald he gang to waird And thairefter being put up the stair quhill he come to the tolbuith dure and than declairit he wald gang na farder and beand commandit be the said bailyie to pas up the stair and enter his persoune in waird for the offences he had committit in dinging of the foirsaidis persounes Refuisit sayand the said bailyie leyit falselie As alswa dang and manassit Patrik Speir and Robert Crawfuird officiaris in executioune of thair offices As in the dittay gevin

in thairupoun at mair lenth is contenit Quhilk being verefeit sufficientlie be famous witnessis The said Thomas Russell was convict of the foirsaidis offences and contentis of the said dittay And thairfoir was decernit in ane unlaw of ten pundis money and tinsell of his friedome and libertie And to be debarrit thairfra during the bailleis and Counsall will And als was ordanit to sit doune on his kneis and ask God and the said bailyie and officiaris forgivenes for the saidis offences.

The samyne day compeirit Thomas Ramsay and beand accusit be dittay grauntit and confessit that he had injurit James Eistoune bailyie in his awin hous sayand that efter he was send for to cum to speik and agrie with ane callit Tennent dwelland in Nydrie The said Thomas sayd and declairit that he sould be evin with the said bailyie thairfoir within ane schoirt tyme And swa manassit the said bailyie The said Thomas than beand accompanyet with Frances Trottares servand to my Loird Bothwell &c For the quhilk offence the said Thomas was decernit in ane unlaw of ten pundis and tinsell of his friedome and libertie during the bailyeis and Counsall will.

The quhilk day the bailyeis and Counsall all in ane voyce hes Ratefeit and be thir presentis ratifeis the former Act and ordinance maid of befoir anent the disobedience of the magistrattis officiaris and members of Court in executioune of thair offices And speciallie the magistratis being furth of thair offices for ony deid thai did or executioune thairof quhen thai war magistratis And the persounes that beis thryis convict in dissobeying or injuring of the saidis Magistratis officiaris or memberis of Court to tyne thair friedome for ever and baneist the toune and nocht to have ony dwelling nor residence thairin thairefter.

ROYAL LETTERS AND INSTRUCTIONS, AND OTHER DOCUMENTS, FROM THE ARCHIVES OF THE EARLS OF WIGTON.

MDXX—MDCL.

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WIGTON PAPERS.

To the liberality of the Honourable Admiral Charles Fleming of Biggar and Cumbernauld, the Club owes the permission to print the following highly interesting documents, which have been selected from a considerably larger portion of the Wigton papers at Cumbernauld House, and communicated to the editor by the politeness of George Turnbull, Esq. W. S. Their nature will be gathered from these brief notices of their contents.

I. This paper contains the instructions to John second Lord Fleming for his mission to France, to urge the return of the Regent Albany to Scotland. John Duke of Albany, grandson of James II., was named to the Regency in 1514, after the death of James IV. at Flodden; and having, in the following year, succeeded in obtaining an Act of Parliament, by which the illegitimacy of his elder brother Alexander Stewart was declared, he thereby became next heir of the infant Monarch. His

birth and education in France communicated to his habits and policy a bias, which placed him at the head of a faction, who conceived that submission to French interests was the best security for Scotland against English ambition. To that party belonged Lord Fleming, who had accompanied de la Bastie and other friends of Albany to Scotland, for the purpose of promoting his appointment as Regent, and who was rewarded by the office of Great Chamberlain, while de la Bastie was sent as Warden of the East Marches, to thwart the schemes of the English party on the Border. Soon after the Regent's return to France, in June 1517, the latter was basely murdered by the friends of Lord Hume, whom he had superseded in that post; and in 1519, the same persons followed up their vengeance by the slaughter of Blacadder, prior of Coldinghame. Meanwhile the fluctuations of state policy having placed the English interests in the ascendant at the French court, Albany and his party became most earnest for his return to Scotland, which the whole influence of Henry VIII. was employed to prevent. Accordingly, in the spring of 1520, Lord Fleming was despatched to France, to negociate for the restoration of the Regent, and to undermine the friendly sentiments which Francis I. then entertained for the King of England, on the eve of their romantic meeting on the Field of the Cloth of Gold. The paper here printed, appears to be the original draft of Fleming's instructions, which these few notices will render intelligible. The instructions have been unknown to historians; there appears every reason to conclude, that they were drawn by Albany himself, who repeatedly throws off even the flimsy disguise of speaking in the third person.

The actual return of Albany was postponed until November 1521, by which time English influence had again waned in France. The details of these transactions may be learned in Pinkerton's history of Scotland, and in the Bannatyne Club's edition of Lesley's history; the general position of parties in Scotland may be seen at a glance, in the beginning of the twenty-eighth chapter of Hume's History of England.

II. It is unnecessary to trace the consequences of the ill-advised marriage by which Queen Margaret, the eldest daughter of Henry VII., gave her hand to Archibald sixth Earl of Angus, within a year from the death of James IV. at Flodden, and scarcely four months after the birth of his posthumous child. This union, the fruit of her ill-regulated passions and Angus's ambition, was thwarted by the tangled web of state intrigues, and profaned by mutual infidelities. The divorce, which the Queen already meditated in 1518, was, according to Pinkerton, pronounced by the Chancellor of St. Andrew's in March 1526, and was speedily followed by her marriage with Henry Stewart, the future Lord Avondale. In the document now for the first time printed, Queen Margaret protests, on the 8th December 1527, that although the sentence of divorce, pronounced in the Roman court on the 11th of the preceding March, had not till then reached Scotland, in consequence of the continental troubles, her marriage had been dissolved from that date; and that nothing thereafter done or attempted against her honour, interest or purposes, by her son James or by Angus, should avail, even though assented to by her under the influence of force or fear. It

would thus appear that Pinkerton has been led into the error of a year, and that the true date of the divorce was 11th March 1526-7, although the process in the ecclesiastical court of St. Andrew's, mentioned by Lesley, had been raised in the preceding year.

No. III. is printed from a copy, taken apparently about a century after the date of the original letter, which was written from Edinburgh in 1563, by Randolph, the English ambassador at the court of Queen Mary. It has been thought worthy of a place in this collection, as a curious specimen of the euphuism which was in fashion in those days, as well as an interesting account of "the Queen of the Beene," a now forgotten pastime. The King and Queen of the Bean acquired their dignity by the chance of cutting up that part of a cake in which a bean was concealed, on the eve of Epiphany, the 5th of January, and their reign was solemnized by a banquet on the following day. This pastime is mentioned by Strutt; it clearly owed its origin to the observance of that church festival, and has been succeeded by drawing for the King and Queen upon Twelfth day. Mary Fleming, one of the Queen's "four Maries," was the youngest daughter of Malcolm third Lord Fleming, and became, on the 6th of January 1567, the second wife of William Maitland of Lethington, the noted secretary of state. "The Queen of the Beene" thus obtains a claim upon our Club, as the daughter-in-law of our Patron, which may justify the introduction of this letter, although it has already been printed, and is referred to at p. 160. of the Club edition of Sir Richard Maitland's poems.

IV. The writer of No. IV. appears to have been Lord John Hamilton, second son of James second Earl of Arran and first Duke of Chatelherault, who was afterwards created first Marquis of Hamilton, and whose eldest sister Barbara was wife of James fourth Lord Fleming, the elder brother of John the fifth Lord, to whom this letter is addressed. Lord John was then, and during the life of Queen Mary continued to be, the leader of her party; a fidelity which involved him in attainder and exile, and which was touchingly acknowledged by a ring sent to him by Mary just before her execution, in token of his great and unwearied services. The following dates will exhibit the position of parties at the date of this letter. May 3d, 1567, Bothwell's divorce pronounced; May 15th, his marriage with the Queen solemnised; May 30th, a muster of the Queen's party proclaimed; June 7th, she retired from Edinburgh to Borthwick castle; June 10th, Bothwell fled to Dunbar; June 11th, Edinburgh seized by the insurgent Lords; the Queen's forces called out; her escape in male attire to Dunbar: June 14th, her march to Seaton; June 15th, the two armies met at Carberry hill; after various manoeuvres and negociations, the Queen sent away Bothwell to Dunbar, and surrendered to the Lords upon favourable conditions; June 16th, these conditions broken by the Lords, and the Queen imprisoned by them in Lochleven castle. The Lord Fleming continued to co-operate with his relations the Hamiltons for the Queen's cause, and was one of her defenders before the commission of enquiry at York in 1568.

V. The Cunninghames and Sempills had been long at feud, and their mutual slaughters, which followed as a natural consequence in these bloody times, are commemorated by the Justiciary Records in 1533-4. The quarrel, having broke out afresh in a new generation, occupied the cares of the Privy Council in 1606, and the result of their interference seems to have been the reconciliation attested by No. V. The details may be seen in Pitcairn's Trials, I. *164–*166, and II. 580. The chronological arrangement of this document has been anticipated, in order to class together the next five papers, as all having reference to Church matters.

No. VI. is a letter from James VI. desiring that John first Earl of Wigton should concur with George Home Earl of Dunbar, who was instructed as to the course to be taken in Church matters, on the eve of the meeting of Assembly, proposed to be held at Aberdeen in July 1605, but which was postponed in consequence of the measures contemplated by the Presbyterian party. Dunbar was the instrument selected by the King for effecting the establishment of Episcopacy in Scotland: according to Wood, his patent as Earl of Wigton and Dunbar, was not issued till the 3d July of that year, the date of the present letter, in which he is so designed, being 13th June.

VII.—X. The Papists of the north, under Huntly, Angus and Errol, having shown a troublesome appearance, a General Assembly was held at Linlithgow in July 1608, by the King's command, in which va-

rious strong measures were adopted against them, and a committee was commissioned to lay before his Majesty a petition for the enforcement and extension of the laws against Popery. These commissioners, one of whom was John first Earl of Wigton, received for answer that the King "would give order for a Convention of Estates, which should ratifie the conclusions of the Assembly; assuring them that the Church, keeping that course, should never lack his patrociny and protection." The paper, No. VII., desires the attendance of the Earl at a meeting preliminary to the Convention, for the purpose of preparing measures in accordance with these views. No. VIII. is an order from the King for the Earl's attendance on the General Assembly at Glasgow, on the 8th June 1610. No. IX. is a like order, in reference to the General Assembly held on the 13th August 1616 at Aberdeen. No. X. is a letter from the Chancellor Dunfermling, desiring the Lord Fleming's attendance as one of the Privy Council, to receive the communion publicly at Edinburgh, on Easter Sunday, 1619. He became second Earl of Wigton, on the death of his father, a few weeks later.

The subsequent papers possess the highest interest, for they not only exhibit the house of Fleming among the unflinching maintainers of Royalty in its hour of need, but bring the Earl and his sons into immediate contact with that mirror of chivalrous loyalty, the great Montrose. The history of this period has lately gained a new light from the indefatigable researches of Mr Napier, whose industry has collected,

from documents that had been overlooked or suppressed by preceding writers, evidence which has overthrown much of that which has been hitherto received as authentic. The faction who, with the Covenant as their watchword, tyrannized over Scotland for their selfish and dishonest ends, have been shown by him in their true colours, and the motives of Montrose stand free of all imputation, except that of having, in the inexperience of confiding youth, trusted the sincerity of the Presbyterian party. But the subject is far from exhausted, and a careful examination of original papers still preserved by the families of the actors in these scenes, will from time to time afford new proofs of the base ends then pursued under the mask of religion. Such are the documents here printed, several of which complete the evidence, which Mr Napier's sagacity has anticipated, in exculpation of Montrose's last expedition in 1650, and of his faithful discharge, to his dying hour, of the King's instructions. John second Earl of Wigton was, through his mother Lady Lilias Graham, cousin-german of Montrose; and it was at his house of Cumbernauld, that the conservative bond of July 1640 was prepared and signed,—that first attempt to save the crown and the country from the revolutionary party. He died on the 7th May 1650, leaving by Lady Margaret Livingstone (daughter of Alexander first Earl of Linlithgow, and sister of James Earl of Callender,) John the third Earl of Wigton, and Sir William Fleming. The latter was an attached attendant of Charles I., and a faithful envoy of Charles II. in many of his missions. In the latter capacity his name occasionally ap-

pears in Wishart's Memoirs, the Ormond Papers, and other cotemporary memorials; and several of his missions are noticed in the list of passes printed at the end of the present collection. His services in the Royal household, as proved by documents at Cumbernauld, may be thus briefly sketched.

Mr William Fleming was sworn gentleman-usher extraordinary of King Charles I.'s Privy chamber, on the 9th June 1641, under Sir William Anstruther gentleman-usher; and on the 2d July 164[3], he (being then knighted) had a warrant from the King at Oxford, to act *pro tempore* as gentleman-usher in ordinary in absence of Sir William, with the promise of a permanent appointment to that office on the first vacancy. There is another warrant of the same Monarch from Newcastle, for a yearly pension to him of £200 Sterling, with all the arrears, in consideration of his gratuitous services as gentleman-usher during the last seven years; and this pension was confirmed and continued to him by Charles II. on the 3d November 1649; who likewise, in 1652, promoted him to be vice-chamberlain. On the restoration he obtained a pension of £400; and a sum of £1000 as an acknowledgment of his many past unrequited services to the Royal cause. About the same time, the office of cup-bearer extraordinary was bestowed upon James Fleming, son of John third Earl of Wigton, and nephew of Sir William, with a promise of an appointment to the emolument on a vacancy; but he appears to have experienced the worthlessness of court promises, and after long

waiting and gratuitous services, he petitioned for a pension as a means of subsistence.

No. XI. is a commission under the Great Seal from Charles I., for putting down disorders, and maintaining the discipline of the Episcopal Church, issued in 1634, the year subsequent to his coronation in the Castle of Edinburgh, and printed from a copy.

No. XII. indorsed "Copie of the first petitioune anent the Service-book," is in fact the complaint against the Bishops, which was drawn by Loudon and Balmerino, with the aid of Dickson and Henderson, and signed on the 18th October 1637. This document, which has not been printed by Balfour (vol. ii. p. 237), is of great importance as one of the first decided steps towards that revolution which now impended over church and state; and it is remarkable to find among the subscribers the loyal Lord Fleming, whose father Wigton was at this very time on the committee of the Secret Council, to whom the enforcement of the Liturgy was committed.

No. XIII. is an argument that the abjuration of Episcopacy was not inferred by the Covenant sworn to by James VI. in 1580, and affords an interesting exposition of the high-church doctrines of that day.

XIV.—XV. The report of the auditors of the Commissary General's

accounts of the Army at Newcastle, in 1641, is printed from a copy on which the observations of the committee are added. As illustrative of the mode of levying troops during the civil wars, and of regulating their arming and commissariat, the instructions from the Estates to Argyle are given at No. XV. They are taken from an undated copy, but were probably issued in 1643-4.

XVI.—XIX. Mr Napier, in his "Montrose and the Covenanters," (Vol. I. chapters 14, 15, and 16, and vol. II. chapters 1, 2, and 3,) has for the first time sifted that obscure passage of history entitled "the Plot;" and proved that Montrose, Napier, Keir and Blackhall, though arraigned as plotters, were in truth victims of a tyrannical intrigue. No. XVI. and XVII., both holograph of Stirling of Keir, contain his procuratory to the Earl of Wigton, for presenting a petition to Parliament in which he demanded a fair trial, and the instructions he wished the Earl to pursue for obtaining this justice. The answers of Montrose, when put upon his defence in Parliament on the 27th July 1641, were known to Mr Napier only through the imperfect notes of the Parliamentary Record, and of Balfour's Annals. A verbatim report of what passed had been preserved by his friend Wigton, on whose motion he was heard at the bar, and it forms No. XVIII. of this collection. No. XIX. is a most important illustration of the same dark process, being the protest in which "the plotters" put upon record the extreme injustice which had deprived them of a public trial, and their innocence of all the crimes laid to their charge.

XX.—XXII. Following the chronological order of these papers, we have in No. XX. a fine appeal to the loyalty of Wigton, dated soon after Montrose had placed his services at the disposal of the Queen, and when the King found himself at the head of an effective army; as a bold specimen of the Royal autograph, it is presented in fac-simile. No. XXI. is one of Charles's repeated endeavours to "preserve the affections of his people," by testifying his sincere desire for their welfare, and his disapproval of those incendiaries, "who went about to weaken the confidence betwixt him and his people." Wishart has mentioned, and Carte has printed in the Ormond Papers, vol. I. p. 42. a loyal bond, drawn by Montrose, for the purpose of committing certain waverers to the bold line, to which he obtained the King's sanction at Oxford in the end of 1643. A similar declaration, which was no doubt prepared about the same time, is printed at No. XXII. from an unsigned copy.

XXIII.—XXV. Illustrative of the dashing episode known as "the Raid of Haddo," of which Spalding has preserved a graphic sketch, are Nos. XXIII. and XXIV.; both are declarations by Huntly, and are valuable as explanatory of the motives of that gallant but most impracticable royalist. The former has been quoted by Mr Napier, from a scarce cotemporary impression. No. XXV. is a verbatim note of the chivalrous speech on the scaffold, by which the Marquis scarcely redeemed the waywardness of his preceding career, and which is imperfectly preserved by Monteith in his narrative of the troubles. These three papers are from cotemporary copies.

XXVI—XXVIII. In November 1645, Montrose marched his little army into the Highlands, to undergo a second winter campaign, leaving behind some of his friends, whose constitutions seemed unable to encounter its hardships, and who, in consequence, were obliged to make what terms they could with the enemy. Among these was Lord Fleming; and the Parliament, disappointed of their vengeance unto the death, by General Leslie's guarantee for his personal safety, and induced by his uncle Calender, (who, though a party to the Cumbernauld bond in 1640, was now a leader of the Revolution), allowed him to retire home on an enormous bail, and under a heavy fine. No. XXVI. and XXVII. illustrate these arbitrary proceedings, and No. XXVIII. presents at once a curious illustration of the family arrangements usual at the time, and of the wreck and ruin of civil war.

No. XXIX. is an interesting memorial of a darker scene in these troubled times. The "good President" Spottiswood having surrendered, and received quarter from the Earl of Lanrick, after the battle of Philiphaugh, was notwithstanding brought to trial with the other prisoners, three of whom claimed the like benefit from their voluntary surrender. The pleas for Sir Robert are fully given, but they were urged in vain before his partial judges; and Balfour has noted that they convinced but two of the peers, of whom only four voted for a commutation of his capital punishment. The sentence of death, pro-

nounced by the Parliament on the 16th of January 1647, was carried into execution four days afterwards.

XXX—XXXIV. It appears that Sir William Fleming was so far deceived by the promises of the more moderate Presbyterians, under the selfish and vacillating Hamilton, as to become, in 1648, their ambassador to the Queen and Prince, in order to explain "the Engagement" which they had pretended to form for the rescue of Charles; and revolting as it must have been to a loyal heart, to do the errand of those who had notoriously sold their king and pocketed the purchase-money, it is difficult to see what better course he could have adopted, when the Sovereign was in captivity, and Montrose in exile. His instructions are printed from a cotemporary copy, and are given in No. XXX.; and the two following documents contain the instructions and additional instructions in reply, from the originals signed by the Queen, and countersigned by the Prince. The substance of these proves that, though ready to enter into the design of "the Engagement," they deemed it necessary to give a clear statement of the pledges which their sanction was understood to infer from such allies. These pledges are solemnly accepted in No. XXXIII., also an original document; how well they were kept, the craven behaviour of the engagers at Preston, as detailed in the Ormonde Papers, vol. I. p. 159, fully testifies. No. XXXIV. appears to be a copy of separate instructions to Sir William, by the trimming and intriguing Calender, for the purpose of obtaining for himself the Queen's special confidence at this time.

XXXV—XLII. A still more important mission of Sir William Fleming is illustrated by the next eight documents, which are here printed from the originals, and for the first time. Mr Napier has published, (vol. II. p. 525.), an original letter of Dr Wishart's, from which it appears that the settlement of differences proposed to Charles II. by the Covenanters, through their agent Winram in the beginning of 1650, stipulated for the sacrifice of the object of their bitter detestation, the Marquis of Montrose. This negociation, though unsuccessful, prepared the way for the treaty of Breda, to which Commissioners were named by Parliament on the 8th of March, whose instructions are given in No. XXXV. It was signed on the 13th of May; the King being then aware of Montrose's descent upon Orkney, but not of his arrival on the mainland, nor of his defeat at Corbiesdale. In the unfortunate deficiency of authentic details of these events, the greatest interest attaches to the papers now recovered from the family of Sir William Fleming, in whose hands they remained, his mission having been rendered vain by the hurried murder of Montrose.

On the day on which the treaty was signed, Charles in No. XXXVI. instructs Fleming to proceed to Montrose, to inform him of the pacification, and assure him of his continued approbation and favour. To the same purpose, he received an autograph private letter and public orders to the Marquis, (No. XXXVII. and XXXVIII.) commanding him to lay down arms; the latter of these was read, from a "double," to

Parliament on the 25th of May, being four days after Montrose's execution (Balfour, vol. IV. p. 25.). It is probable that No. XXXIX., containing private instructions to Fleming, was of the same date as those last mentioned, and that some unexpected circumstance had delayed his departure; for the King's letter to the Parliament, recommending them to provide for the safety of his troops, (No. XL.), is dated on the 18th. Meanwhile a suspicion had crossed the mind of Charles, which, whether authorized by any newly detected duplicity, or the result of past experience, cannot surprise those who have examined No. XXXV., or learned from history, that political jesuitism may co-exist with Presbyterian professions. Fresh instructions (No. XLI.) were therefore prepared for Sir William on the 19th, in which a discretion is given to Montrose, and the other Royalists in Scotland, to keep their forces together, if any ground should arise for doubting the good faith of the Covenanters; and, of the same date, an autograph letter, (No. XLII.), from Charles, desires Montrose to give full credit to the bearer, and act as instructed by him. With these documents before us, there can be no farther question that Montrose's descent was undertaken, executed, and, but for its tragic conclusion, would have been followed up with the full sanction, concurrence and approbation of his master, and was as entirely apart from private aims or personal ambition, as the preceding passages in his bright but brief career. But it remains to clear the honour of Charles from the double imputation contained in the last quoted passage of Bal-

four's Annals. Those who have studied the characters of Argyll and Lothian, may attach small weight to the verbal report by the former, of an allegation written by the latter, "that his Majestie wes no wayes sorey that James Grahame was defait, in respect he hade made that invasione without, and contrarey to his command." But there is a far more serious charge contained in the Lord Lyon's minute of the reading of a letter, addressed by the King to the Parliament, in which he desires them "to doe himselve that justice, as not to belive that he was accessory to the said invasione in the lest degree:" and the idea of a fraud or a forgery is scarcely reconcileable with the subsequent remit of this letter to the Committee of despatches, that it might be answered. Yet how deeply were the Parliament interested to invent a justification for their blood-thirsty zeal in condemning Montrose, without even the form of a trial, or the opportunity of a defence, and for their indecent haste in pronouncing sentence, ere he had time to be brought from the field of battle to their bar! And is it credible that the King should (apart from all considerations of honour, integrity or gratitude,) dare to dictate to his Parliament a public despatch, contradicted in every point by no less than seven documents which accompanied it, probably by the same messenger, and which would have all been made equally public, but for that unforeseen catastrophe which suddenly numbered Montrose with those who tell no tales? It only remains to note the 20th of May as the date of Sir William Fleming's pass from Breda to Scotland and back; the 21st as the day of Montrose's murder; and the 25th as that

on which Sir William Fleming's despatches were laid before the Parliament.

XLIII. One other memorial of the Great Montrose remains, and a more interesting one could scarcely be found. A tract was published in 1650, entitled "A true and perfect relation of the most remarkable passages and speeches at and before the death of his excellence James Marques of Montrose," and it has now become exceedingly scarce. From this tract seems to have been taken the substance of Wishart's concluding details; but as the copy discovered among the Cumbernauld papers has all the raciness characteristic of an eye-witness's narrative, and contains some touches which have been suppressed in both of these editions, it is printed at length.

XLIV—XLV. As a matter of local interest, a warrant from the Committee of Estates, for garrisoning the house of Cumbernauld in 1650, is printed at No. XLIV. The last document in this collection is a key, which may probably prove useful in decyphering some of the loyalist correspondence during the times. Appended is a list of passes or passports found with the preceding papers, accompanied by several facsimiles of the signatures, it not having been thought necessary to print these at length.

WIGTON PAPERS.

I. Instructions to John Lord Fleming, Envoy to France. 1520.

Followis it that my Lord Flemyng hes to ſchaw to the King of France ;

That the Lordis of Scotland ar deliberit that, and my lord gouernour be nocht in Scotland or mydſymmer, to tak ane oder, and to declaire him inabyl evir to cum to the crowne of Scotland be na maniere, and to debar him thayrfra, and to put the king in juſtice, and do al thingis in his name and his oder gouernouris, as ſal be thocht expedient : and that he hes charge to declair him this, and to hald his prolongation and defferance for na fay ; and that thai wil mary the erl of Angous douchter and the lord Hamiltoun ſon : and gyf he beis declarit inabyl to the croun, it is alluterly the king of Ingland intention that thayrthrout he may gar the king of France tyn Scotland ; and gyf he gangis now in Scotland quhen thai ar all aggreyit, it may be ſtarkly : and thayrfor at the kingis

plefyr be to accord him the paiement of fyfty fperis in Scotland, to uphald his eftat and fceure keping of his perfone, and to cauſe juſtice to be miniſtrit and his autorite furthtborne.

Item, that the conſeil of Scotland is aduiſit, that gyf thai have na ſickyr tydingis of my lord gouernour be Monſyeur de Flemyng or the ſaid day of Vitſonday, thaj wil tak pece witht Ingland as is offerit thame, ſtraytar than the auld and alluterly aganis France; quharfor thai have ellis ſend for ane ſaufconduct to Ingland for thair ambaſſadouris to tret the ſammyn.

Item, the King of France may weyl conſidere that quhobeit this metyng hald, and that the king of Ingland and hir treyt frendſchip, nevertheles it wil nocht be permanent nor to endure lang, and that the evyl of the tynfel of Scotland ſal pas the gud of it, quhilk he wil tyn alluterly without he fend my ſaid lord to it withtin the ſaid tyme, for uderwayis thai wil treyt witht Ingland ſickyrly and withtout ony falte.

Item, that my lord Flemyng lat na man wyt his charge, Anbygnye nor nane oder, bot allanerly Maiſter Thomas and Jacques, witht quhilkis he ſal adviſe and tak conſeil; and gyf he makkis preſentis that he mak thame to thame that ar about the king and may ſerve, and nocht to oderis.

Item, he man underſtand that my lord gouernour left the king in gud wyl to Scotland, and that he man perfew and follow his erandis eſter his memoriales meykly and be ſoft wayis,

and be at the kingis diſner and at houris quhan ambaſſadouris gettis audience : and expreſly he may be ſickyr of my deperting to Scotland in this ſymmyr, and that it be accordit in tyme, that or witſonday he may advertis the lordis of Scotland.

Item, he man ſchaw and think on the trety of Rouen to the king and madame, and ſe gyf thai wil obſerve it or nocht, and ſay thame that and Scotland wald have pleyngeyt and aſket ſecours, thai mycht laufully, and had nocht bene for the king thai wald have done it, for Ingland hes brokyn, baytht in Monſyeur de la Baſtye ſlauchtir and the prieir of Coldinghame, quhar thair was abun fyfty Inglifmen, and in Pullot takkyng, and mony oderis dayly brekyns incurſions and byrnyngis ; in the quhilkis al, thai have halding thayr tung, that thai fuld nocht deſples the ſaid lord the king. And alſa quhow thai have never tane trewis pece nor nane oder thing done bot be the kingis withting wyl and advife, and that gyf he abandounis thame at this metyng and trety therof, he dois thame gret wrang. And ſpecialy to lat my lordis hame ganging in Scotland, conſiderit the royaume can nocht be reulit nor guidit without my ſaid lord governour ; and alſua that the king promiſt under his gret ſelle to ſend my ſaid lord governour agane, and be mony oder miſſiue lettres ambaſſadouris and his meſſagers to help his lordſchip thairto, quhairto he can have e and regard, and to the ſervices thai have done and may and wil do in that cais, and the tynſel he ſal have gyf it beis oderwayis and tynis thame.

Item, ſal ſay to the king that he hes charge under hieaſt

paine that [ſchortlie] he advertis the lordis of Scotland gyf the king wil ſend my lord governour [hame agane] or nocht, and his uter mynd thairintil; and that gyf the king differris or denyis [anſuer, he is ordourit] and chargit to gang hame in Scotland, and advertis the lordis before this [incumming] witſonday, that thai may provide for thameſelf, and proceid thairintil as [may be] expedient, and that it is thre ȝeris ſen my lord governour hes bene heyr in [France, and] now the lordis may beyr the burding na langar, and that he is ſickyr [my lord] governour wald fayn be in Scotland, and gyf ſua war he wald gang agane hes promiſt the lordis and realme of Scotland thay ſal declair him infame, and tak fra him the office, and provide of ane oder.

Item, quhow the king is obligit to inmug [?] my lord governour to gang agane and help him thairto, and that he ſuld remane heyr bot ane ȝeir.

Item, he ſal ſay that Scotland hes never tane pece allyance nor tretyt witht na man, nor ȝit I quhen I was in Scotland, bot at his wyl and pleſyr, quhow beit thai mycht have had mony diverſe and gret offres, and ȝit many quhilk of force thai man tak now, and he ſend me nocht as ſaid is; and quhowbeit he had tane pece and tretyt withtout Scotland, and comprehendit thame for thayr deſavantaige and domnaige, quhilkis al thai have tholit to have my lord governour agane. And my lord Flemyng may ſay as ane gud Francheman that he is, and ſervand to the king of France, nocht as hayffand charge tharof,

that and the king put nocht remeide to ſend me as ſaid is, Scotland wil treyt witht Ingland *and the king will be amangis thayr handis* withtout failȝe, and that heyrof he is ſceur.

Item, he ſal ſchaw the inconvenientis troubles dangeris and peril that the king and realme of Scotland ar in.

Item, that he findis my lord governouris paſſaige to Rome rycht ſtrange, and that Scotland wil think that the king hes cauſit him to gang thayr; and ſicklyk he merueillis of this metyng, and that in the ſammyn he have e to the auld lang and trew frendſchip hes bene betuix France and Scotland, and that he tak na new perteis to brek the ſammyn, and the ſkaytht he wil have of the tynſel of Scotland.

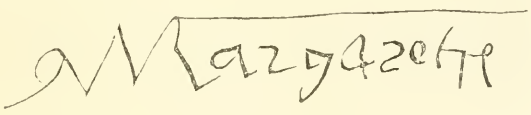
Item, that it is ſoire to Scotland to tak pairt witht Ingland and treyt witht Ingland, and the king ſend nocht my lord governour in Scotland, conſidering the tendernes of bluyd that is betuix thair kingis, and the advantaige thai wil do to us, and pece and reſt we may be in thayrthrowt.

II. Protest by Margaret Queen Dowager of Scotland, in the process of divorce at her Majesty's instance against Archibald Earl of Angus. 8 Dec. 1527.

IN DEI NOMINE AMEN: Per hoc preſens publicum Inſtrumentum Cunctis pateat evidenter Et ſit notum, quod

Anno dominice incarnationis Milleſimo quingenteſimo vigeſimo ſeptimo, Menſis vero Decembris die octava, Indictione decima quinta Pontificatus ſanctiſſimi in Chriſto patris et domini noſtri Domini Clementis divina providencia Pape Septimi Anno quarto, In mei notarii publici et Teſtium infraſcriptorum ad hoc vocatorum et rogatorum preſencia, Perſonaliter conſtituta, Illuſtriſſima et ſereniſſima principiſſa ac Domina Margareta, Scotie Regina, matura prehabita deliberacione, expoſuit quod divorcium Inter ſuam ſerenitatem, et Magnificum dominum Archibaldum Anguſie Comitem dominum Douglas &c, celebratum fuit in Romana curia, undecimo die menſis Martij ultimo elapſi, Et ob quam plurima Impedimenta, occaſione univerſalis belli in Italia Gallia ac aliis partibus Tranſmarinis, fatis palam et notorie cognita, Sententia celebracionis hujuſmodi divorcii ad partes hujus Regni minime deportari poterit; Sua Igitur ſerenitas, uti aſſeruit, ab omni Jugo maritali libera exiſtit, ac eciam a dicto undecimo die menſis Martij ultimo elapſi extitit. QUAMOBREM Ipſa ſereniſſima et illuſtriſſima principiſſa ac domina Scotie Regina, omnibus melioribus modo via Jure forma et cauſa quibus melius et efficacius potuit ac debuit, poteſtque et debet, Proteſtabatur ſolemniter, Et per hoc preſens publicum Inſtrumentum proteſtatur, quod quicquid alias actum geſtum ſeu attemptatum extitit, A predicto die undecimo martij ultimo elapſi, per Excellentiſſimum et Illuſtriſſimum principem et dominum Jacobum Scotorum Regem modernum, ſuum cariſſimum filium, ſeu eciam per prefatum Archibaldum Anguſie Comitem, aliumve quemcunque eorum nomine A . . . . . fterum, ante deportacionem

hujuſmodi ſententie ad partes hujus Regni, per prelibatos ſereniſſimum principem et Anguſie Comitem, aut eorum alterum ſeu quemcunque alium eorum nomine, fieri vel attemptari contigerit, contra honeſtatem commodum vel utilitatem ſue ſerenitatis, Eidem in aliquo non prejudicet Accedente eciam ad hoc ejuſdem ſerenitatis conſenſu, Cum talis conſenſus ut aſeruit non fuit nec erit In hujuſmodi actis ſeu geſtis vel attemptatis ſpontanee preſtitas, ſed metus cauſa, qui in conſtantem virum cadere poteſt: Voluitque Eadem ſua ſerenitas hanc ſuam proteſtacionem In forma Juris uberrima fieri et extendi, vimque et effectum talis proteſtacionis ſortiri Cum omni ſolemnitate ad hec neceſſaria pariter et cautela. De et ſuper quibus omnibus et ſingulis, prelibata Illuſtriſſima et ſereniſſima principiſſa ac domina, A me notario publico ſubſcripto, ſue ſerenitati fieri peciit unum ſeu plura publicum vel publica Inſtrumentum vel Inſtrumenta ſue ſerenitati, Sigillo ac manuali ſubtus roboratis et munitis. Acta fuerunt hec In palacio Regio, Apud Monaſterium ſancte crucis prope [Edinburgh], hora ſeptima poſt merediem vel eocirca, ſub Anno die menſe Indictione et pontificatu quibus ſupra; Preſentibus Ibidem honorabilibus et providis viris do . . . . . de Abirnethy Moravienſis dioceſis preſbitero, et Roberto Spittale burgenſe de Edinburgh ſanctiandree . . . . . vocatis pariterque Rogatis.



Et Ego Alexander Turing Arcium Magiſter, Abirdonenſis dioceſis preſbiter, ſacra apoſtolica auctoritate notarius publicus, Quia prefate proteſtacioni, nec non predicte ſereniſſime Principiſſe Manualis ſubſcripcionis et ſigilli appoſicioni et appenſioni, Ceteriſque premiſſis omnibus et ſingulis, dum ſic ut premittitur dicerentur agerentur et fierent, unacum prenominatis teſtibus, perſonaliter Interfui, Eaque omnia et ſingula ſic fieri ſcivi vidi et audivi, ac in notam Recepi, Ideo hoc preſens Inſtrumentum mea propria manu fideliter ſcriptum exinde confeci, Et in hanc publicam formam Redegi ſub meis nomine Signo et ſubſcriptione ſolitis et conſuetis, In fidele teſtimonium veritatis omnium premiſſorum rogatus et requiſitus.

Alexander Turing N. P.

III. Thomas Randolphe to Lord Robert Dudley, 15 Jan. 1563.

I assure your Lordſhip the worſt I intend you is to mary a Queen: this much with your Lordſhips pardon. I will now ſee what other pleaſant matter thar is to wryt of then this, not doubting bot your Lordſhip will think better heirafter of my doings then yet you can, for the litle hope you have to bring foe great a matter to paſſe. Touching the ſtate of things heir, yt may pleaſe your Lordſhip to know that the Queen hath recovered much of her health. The ladies and gentle-

women are all in health and merrie, which your Lordſhip ſhould have ſeen if you had been here upon Tueſday, at the great ſolemnity and royall eſtate of the Queen of the Beene. Fortune was ſo favourable to faire Flemyng that, if ſhee could have ſeen to have judged of her vertue and beauty, as blindly ſhee went to work and choſe her at adventure, ſhee wold ſooner have made her a Queen for ever, then for one only day, to exalt her ſo high and the nixt to leave her in the ſtate ſhee found her. If Beton had lyked ſo ſhort a tyme, ſo worthie a rowme, Flemyng to her by good right ſhould have given place. Ther lacked only for ſo noble a hart a worthie realme to endue that which. That day yt was to be ſeen, by her princely pomp, how fite a match ſhe wold be, wer yee to contend ether with Venus in beauty, Minerva in witt, or Juno in worldly wealth, haveing the two former by nature, and of the third ſo much as is contained in this realme at her command and free diſpoſition. The treaſure of Solomon, I trowe, was not to be compared unto that which that day hanged upon her back. Happy was yt unto this realme that her raigne endured no longer. Two ſuch ſights in one ſtate, in ſoe good accord, I beleeve was never ſeen, as to behold two worthie Queens poſeſs, without envie, one kingdom both upon a day. I leave the reſt unto your Lordſhip to be judged of. My pen ſtaggereth, my hand faileth, farther to wryt. Ther praiſes ſurmount whatſomever may be thought of them. The Queen of the Been was that day in a gowne of cloath of ſilver; her head, her neck, her ſhoulders, the reſt of her whole body, ſo beſett with ſtones, that more in our whole jewell houſe wer

not to be found. The Queen herſelfe apparelled that day in collours whyt and blaek, no nether jewell or gold about her that day, bot the ring that I brought her from the Queen's Majeſtie hanging at her breaſt, with a lace of whyt and black about her neck. The cheare that day was great. I never found myſelfe ſo happy, nor never ſo well treated; untill that came unto the poynt that the old Queen herſelfe, to ſhewe her mightie power, contrarie unto the aſſurance granted me by the younger Queen, drew me into the dance; which part of the play I could with good will have ſpared unto your Lordſhip, as much fitter for the purpoſe, with ſomwhat elſe of greater felicity, if I knew how to frame that unto my deſire. This ended the joy of ther holy day: from that tyme to this wee have lived as befor. May it pleaſe your Lordſhip that Sir Harry Lord Preſident, that I judge him the worſt ſervant that ever ſerved ſo fair a Lady as Flemyng his miſtres, whoſe worthienes requireth ſomtymes to be thought of. I will here moſt humbly take my leave of your Lordſhip, wiſhing your Lordſhip whatſomever in the world yee moſt deſire in Chriſt. At Edenbrough the xvth of January 1563.

Your honourable Lordſhips humble, bounden at command ever and allwayes to ſerve,

THO. RANDOLPHE.

I had allmoſt forgotten my cheifeſt matter. Your Lordſhip ſhall be ſhortly written to, I know not well yet from whom nor how many, in the favour of my Lord Bothwell, whoſe earneſt and continuall ſute is to be out of England, wherof I

think ther will come no hurt, for where he is he doth no good nor never will; whenfomever he be come he fhall be the meffenger himfelfe, bot befor he be at the court your Lordfhip fhall have further knowledg.

To the Right honourable my very good Lord the Lord Robert Dudley, Maſter of the Queens Majeſties horſes, and one of hir Majeſties moſt honourable Counſell.

IV. Lord John Hamilton to John Lord Fleming.
14 June 1567.

My Lord,

Efter maiſt hartlie commendatioune, ȝe ſall underſtand that I reſavit ane writtin fra the quenis maiſtie, daitit at Dunbar the xiij of this inſtant of Junij, that hir grace is reddy to cum fordwart this morning toward Haldingtoun, and therfore deſiris me and my freindis to be in redineſs, quhen it fall pleiſe hir to charge us to merche fordwart. Heirfoir I haif thocht goid to ſend this berar, knawing that ȝour lordſhip ſould be togidder this nicht, in to Beggar to knaw ȝour dyet, and thinkis goid, ſafand better counſell, that we joyne us togidder or we cum to hir Maieſtie, baith for ȝour furete and ouris. And we intend quhen we marche, to paſs be Pentlandhills or neir therbie, and gif ȝe pleaſe to appoint ony place be that way, we being chargit to cum fordwart, we wald be glad to meit ȝou ther, as ye ſall appoint; and the reſt referris to ȝour advertiſment with the berar: and ſa committis ȝour lord-

ſhip to the protectioune of God, this Saterday at vij houris afoirnoune, the xiiij of Junij 1567,

Zour Lordſhips loving friend at power
JHONE HAMILTON.

To my Lord, my Lord Flemyng and Seref. &c.

V. Bond of friendship between the Cuninghames and the Sempills.—1609.

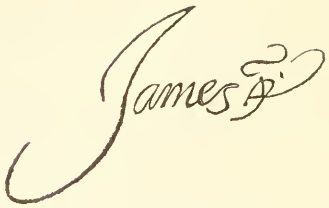
Apud Glaſgw, vigeſimo ſecundo die menſis Maij, anno domini milleſimo ſexcenteſimo nono.

The quhilk day in preſens of ane nobill and potent lord, Johne erll of Wigtoun lord Flemyng &c., Commiſſioner appoyntit be ordinance of his hienes privie counſell for the cauſe and to the effect undirwrittin, and perſonallie preſent in the laich kirk of the ſaid burgh and Citie callit the New Kirk, comperit ane nobill and potent Lord James Erll of Glencarn lord Kilmowris &c. togiddir with maiſtir of Glencarn his ſone, Mr James Conynghame of Mongrenand, John Conynghame his brother, John Conynghame of Roſs, Alexander Conynghame of Corſhill, William Conynghame of Clonbeith, Patrik Conynghame of Halpland, Williame Conynghame brother to umquhill Conynghame of Haiket, for thame ſelfis; togiddir with Patrik Maxwell of Newwerk, Alexander Maxwell his brother, Knox of Ramphurlie, Williame Knox of Selvieland, Gabriell Conynghame brother german to Alexandir Conynghame of Craigains,

and Bartilimo Maxwell, for thame ſelfis; Muir of Rowallan younger, Williame Portarfeild of that ilk, Alexandir Portarfeild fear thairof his ſone, John Portarfeild brother to the ſaid Williame, for thame ſelfis; the ſaid nobill lord his ſone, freindis dependarris and partaikeris upone the ane pairt: Ane nobill lord lord Robert lord Sempill, Maiſtir of Sempill his ſone, Williame Sempill of Fulwood, Mathew Sempill his fathir brothir, Williame Sempill of Brintſchelis, James Sempill his brothir, Adame Quhytefurd of that ilk, Ralſtonn of that ilk; the ſaid nobill lord, his ſone, freindis, dependarris and partakeris on the uthir pairt: Quhilkis twa nobill lordis and thair ſonis, for obedience of his Majeſtie peace and quyetnes in this his hienes kingdome and realme, firſt embraced utheris, joynit handis in taikin of thair unfenzeit reconciliatioun in all tyme cuming, and thaireftir athir of the ſaidis lordis and thair ſonis embraced and reſavit utheris freindis reſpective abovewrittin, and joynit handis with thame, in takin of thair reconciliatioun and mutuall freindſchip in tyme cuming, conforme to his Majeſteis will and pleaſour ſet down thairanent, and ordinance of his hienes counſell following thairupone. Subſcrivit be me Archibald Heygait, Clerk of the ſaid burgh and citie, and clerk nominat and appoyntit be the ſaid nobill lord, to the premiſſes done as ſaid is.

A. HEYGAIT.

VI. King James VI. to John Earl of Wigton. 13 June 1605.



Right truſtie and weillbeloved couſeing and counſellour, we greit you weill. Having directed our right truſtie couſein and counſellour the Erle of Dounbar thither, for the performance of certaine of our ſpeciall inſtructions, gevin unto him both in church matters and in the eſtate, and being by him certified of your forwardnes at all tymes to advance our ſervices, for which as we doe rainder unto you our moſt hartie thanks; ſo we are to deſyre you moſt earneſtlye, that as you ſalbe requyred by the ſaid Erle of Dounbar hereafter, to aſiſt and concurr with him in anie thing belonging to our ſervice, that you will not faile to continew in that former willingnes, whereof he has made ſo good reporte, and which we ſall noway leave unregarded; the particulers of whoſe imployments as we have committed the ſame to his ſpeciall truſt, ſo by himſelf you are to be made acquainted therewith at lenth, whome you ſall in all reſpects creditt as our ſelf therein. And noway doubting of your forwardnes and good will, as we intend not to be for-

getfull thereof, we bid you fareweill. At our Mannour of Grenewich, the xiij of June 1605.

To our right truſty and welbeloved coſen and counſellour The Earle of Wigton.

VII. King James VI. to John Earl of Wigton. 24 Nov. 1608.

JAMES R.

Right truſty and welbeloved coſen, wee greete you well. The reporte made to us by the Commiſſioners of the late generall aſſembly of the procedingis therein, and of the greate zeale and affection kythed in all ſortes of people there, for the advaunceement of Gods glory, and the ſuppreſſing of the common enemy, and alſo of the happie unity and concorde amongſt the clergy, did give us no ſmall cauſe of joy and contentment, that in this laſt age of the worlde, wherein errour and ſuperſtition abroade had taken ſo greate rooting, nevertheles, within theſe our dominions God hath bene pleaſed to reſerve a handfull to him ſelfe, who have never bowed the knee to Baal. And as wee acknowledge our ſelfe (in dewty to our God) bound to be a nurſing father to his churche, a protectour of all true profeſſours, and a proſequutour of all the enemyes of the treuth, that ſo they may be eyther reclamed, or then brought to that caſe as they may be no more feared, (ſince all thoſe who are affected to this Romiſh ſuperſtition may juſtly be ſuf-

pected as daungerous fubjectes in the eſtate) ſo for the better countenauncing of the procedinges of the generall aſſembly, wee have appoynted a convention of the eſtates of that our kingdome to mete at Edinburgh the xxvj of Januarie nexte, to the entent that ſuch thinges as may farder the advaunce-ment of the goſpell, and ſuppreſſing of the enemy, may be then treated of adviſed and concluded, wherein there ſhall be no want eyther of our good wille power or authority; deſir-ing you hereby to be preſent thereat, and to utter your loving care and affection to the well of that churche. And becauſe wee have appoynted a preceding meeting of ſome ſelected oute of every eſtate, to be at the ſame place the xxiiij of Januarie before, and having made choice of you for one of that nomber, wee deſire you alſo both to keepe the time appoynted, and to kyth ſtill as yee have done heretofore affectioned, to the ad-vauncement of the religion preſentlie profeſt, wherein ye ſhall do us acceptable ſervice; and ſo wee bid you farewell. From our courte at Newmarkett, the 24 of November 1608.

To our right truſty and welbeloved coſen, The Earle of Wigtoun.

VIII. King James VI. to John Earl of Wigton. 2 April 1610.

JAMES R.

Right truſtie and weilbeloved couſeing and counſellour, we

greite you weill. Whereas we have appointed a meiting of the church of that kingdome to be at our cittie of Glaſgow, the viij of Junij nixt, inregarde of your knowne affection and love to the weill of that church, and of the manie good proofes we have had of your forwardnes alwayes in our ſervice, We have thereupon made particuler choice of you, whoſe preſence wilbe very requiſitt at that meiting, not doubting but upon this advertiſement both you will addreſſe your ſelf thither, and doe thereat no leſſe good offices then we expect at your hands, of which we ſhall ever be myndfull, and ſo bid you right hartiely fareweil. From our Court at Whitehall, the 2 of Aprile 1610.

IX. King James VI. to John Earl of Wigton. 18 July 1616.

JAMES R.

Righte truſtie and righte welbeloved, wee grete you well. Whereas wee have thoughte it requiſite to calle a nationall aſſemblie for hinderance of the encreas of Poperie, which (as wee are crediblie enformed) hath alreadie taken too deepe roote in the north partes of that our kingdome; wee have made ſpeciall choiſe of you to be preſente thereat, as one in whoſe affection to the advancement of religion and good eſtate of that cuntrie wee have a ſpeciall truſte. So willing you to aſſiſt our Commiſſioner, and give your beſte advice in whatſoever ſhalbe propounded at the ſaid meeting, wee bid you fareweil. Given at Theobaldes, the 18th of Julie 1616.

To our rycht truſtie and weilbelovit the Lord Fleming.

X. The Chancellor &c. to John Lord Fleming. March 1619.

Aftir oure verie hairtlie commendationis to your good Lordſhip: The kingis Maieſtie finding it requiſite for conciliating obedience to his Maieſties lawis and conſtitutionis, that thoſe who ſittis as law gevairis ſould by thair particulair obedience geve good example to utheris, and to thair inferiouris, to do the lyke, and his Maieſtie being reſolvit to have the communioun reſſavit with all dew reverence upon paſhe day now approtcheing, his Maieſtie for this effect, by his lettre direct to the haill counſall, has willit thame and everie ane of thame to remaine ſtill in this burgh, and ſuch as are abſent to be writtin for to come heir, and upoun paſhe day to convene at the heich kirk of Edinburgh, and thair to reſſave the communioun, efter the maner preſcryvit by the ordoure and actis of the laſt generall aſſemblie, aſſureing thame that ſall refuiſe to do the ſame, that they ſalbe depoſit from thair placeis in counſall, as unworthie of the truſt quhilk his Maieſtie hes repoſit in thame, by advanceing thame to ſa heich a rowme, as his Maieſties lettre direct to his Counſall mair fullie beiris. And thairfore, according to his Maieſties will and pleaſour in this mater, theſe are to requeiſt and deſyre your good Lordſhip that you faill not, all excuiſs ſet aſyde, to addreſſe your ſelf heir in dew and lauchfull tyme, to the effect your Lordſhip may be prepairit and reddy upoun Sonday nixt, to convene with the reſt of the Counſaill in the kirk foirſaid, and thair to communicat. And

lookeing for your preceis keiping of the tym and place above-writtin, as your Lordſhip wilbe cairfull to eſhew his Maieſtes wraith and cenfure, we committ your Lordſhip to God. Frome Edinburgh, the day Marche 1619.

Your Lordſhips verie affured good friendis,

AL. CANCELL[s]:
LAUDERDAILL.
BINNING.

Your Lordſhip fall heirwith reſſave a copie of his Maieſteis lettre, for your Lordſhips better informatioun.

To oure verie honnourable good lord, the Lord Fleming.

XI. Commission for the Maintenance of Church Discipline. 21 October 1634.

Our Soverane Lord ordaines ane commiſſioune to be grantit, under his hienis great ſeall of the kingdome of Scotland, makeand mentioune that whair diverſe complaintes have bene maid to his Maieſtie, be the moſt reverend fatheris in God and the reverend fatheris, the Archbiſchoppes and biſchoppes of the Churche of Scotland, upon certaine advocatiounes and ſuſpenſiounes grantit be the Lordis of his Maieſteis Counſell and Seſſioune, at the inſtance ſute of pairteis callit befoir the judicatoreis of churche diſcipleine; for removing of that inconvenience, and to the effect no wicked ſclanddrous nor diſſobedient perſone pas uncenfured and eſcaip unpuniſched, his Maieſtie, as being ſupreme judge of all perſones and cauſſes,

afweill civill as eccleſiaſticall, within the kingdome and all utheris his Majeſteis dominiounes, heve gevin and grauntit, likeas his Maieſtie be the tennor heirof gives and grantis full power and commiſſioune, to the moſt reverend fatheris in God and his Majeſtie truſtie counſellouris, the Archbiſchope of Sanct Androis primate and metrapolitane of Scotland, and the Archbiſchope of Gleſgow; to his hienes truſtie couſingis and counſellouris, George Erlle of Kynnowll lord hich chancellour, Williame Erlle of Mortoun lord hich theſaurer, Thomas Erlle of Hadingtoune lord privie ſeall, James Duik of Lennox, James Marqueis of Hamiltoune, Williame Erlle of Marchell, George Erlle of Wintoune, John Erlle of Kinghorne, Robert Erlle of Roxburgh, Alexander Erlle of Galloway, John Erlle of Annandaill, John Erlle of Lauderdaill, William Erlle of Drumfreis, William Erlle of Queinſberrie, Williame Erlle of Stirling, David Erlle of Southeſke, John Erlle of Traquair, John Erlle of Weymes, Robert Erlle of Ancrum; to the reverent fatheris in God, the Biſchope of Edinburgh, the Biſchope of Galloway, the Biſchope of Dunkeldin, the Biſchope of Aberdein, the Biſchope of Murray, the Biſchope of Roſs, the Biſchope of Breichen, the Biſchope of Arguylle, the Biſchope of Cathnis, the Biſchope of the Illes, and the Biſchope of Orknay; his Maieſteis truſtie couſigne Mungo Vicount of Stormont, and to his Maieſties truſtie couſignes and counſellouris George lord Gordoune, Archibald lord Lorne and John lord Erſkein; and his hienes truſtie couſingis Robert lord Dalzell and Robert lord Kirkcudbright; his hienes truſtie counſellouris Alexander Maſter of Elphingſtoune, Sir John

Hay of Baro knycht Keiper of his Majeſties regiſtre, Sir Thomas Hope of Craighall knycht barronet, Sir James Carmichaell of that ilk Juſtice clerk, Sir James Galloway Maſter of requeiſtis; and to his Maieſties rycht truſtie and weilbeloved Sir Robert Spotiſwoode of Donypace knycht Preſident of the Seſſioune, Sir John Scot of Scottiſtarvet knycht Directour of the Chancellarie, Sir Robert Gordoune knycht barronet, Sir John Scrymgeour of Diddope, Sir William Sincklair of Roſlane, Sir Walter Stewart of Minto, Sir John Spottiſwoode of Dairſie, Sir John Hamiltoune of Bargeny, Sir Williame Cunyngahame of Capringtoune, Sir Robert Greir of Lage, Sir John Chairteris of Amffeild, Sir William More of Rowallane, Sir John Maxwell of Pook, Sir Williame Douglas of Caveris, Sir Patrik Agnew of Lochnaw ſhirreff of Wigtoune, Sir John M'Dowall of Garthland, Sir James Baillie of Locheid, Sir John Auchmoutie of Goffuird, Sir Robert Montgomerie younger of Skelmuirlie, Sir James Lokhart younger of Lie, Sir Duncane Campbell of Auchinbreke younger, Sir Williame Scott of Harden, Sir Donald M'donald of Slaitt, Sir Robert Innes of Balveny knycht barronett, Sir Thomas Urquhart of Cromertie knycht, Sir John M'Claau of Hereis, John Campbell younger of Calder, Campbell of Ardkynglaſs, Lamond younger of that ilk; and to his Maieſteis weilbelovittis Doctor Andro Bruce deane of St Androes, Mr James Hamiltoune deane of Gleſgow, Doctir Alexander Glaidſtaines archdeane of St Androis, Docter Theodour Hay archdeane of Gleſgow, Mr Walter Quhytfuird ſubdeane of Gleſgow, Doctir Robert Howie proveſt of the new colledge of St Androis, Doctour George

Mairtyne proveſt of the auld colledge of St Androis, Doctor Patrik Panter profeſſor of theologie in the new colledge of St Androis, Doctor John Strang principall of the colledge of Glesgow, Doctor John Douglas, Doctor David Monro perſone of Kinnewcher, Mr James Ahanna dene of Edinburgh, Mr William Wiſchart perſone of Reſtalrige, Doctor John Mitchelſoune miniſter at Brunteilland, Doctor George Wiſchart miniſter at Sanct Androis, Doctor Henrie Crymgeour miniſter at St Fillanes in Fyffe, Mr Colline Campbell miniſter at Dundie, Doctor Robert Barrow profeſſor of theologie in the colledge of new Aberdeen, Mr Williame Annand miniſter at Air, Mr John Tennent perſone of Calder, Mris Andro Ramſay and David Mitchell miniſteris at Edinburgh, Mr James Logane miniſter at Smailhame, Mr George Ahanna miniſter at Torphichen, Mr Williame Maxwell miniſter at Stow, Mr Patrik Durhame dene of Roſs, Mr Thomas M'Kenzie miniſter at Tarbett, Doctir James Elliot, Mris Richard Wilkie, John Bell, John Maxwell, and Ezacharie Boyd miniſters at Glesgow, Mr John Hay perſone of Raynſrew, Mr Williame Briſbaine perſone of Erſkine, Mr Walter Stewarte miniſter at Kirkpatrike, Cambuſkennethe, Mr Michaell Wallace miniſter at Kilmarnoke, Mr George Lindſay perſone of , Mr John Lindſay perſone of Carſtaires, Mr Thomas Ramſay miniſter at Drumfreis, Mr John Alexander perſone of Hoddome, Mr George Buchannane perſone of Kirkpatrik juxta, Mr William Bennet perſone of Ancrum, Mr John Maitland perſone of Earlſtoune, Mr Abrahame Henderſoune miniſter at Quhitehorne, Mr Alexander Huneltegine

miniſter at Monygeff, Mr James Hamiltonne miniſter at Wigtoune, Mr James Scott miniſter at Temyland, Mr David Leitche miniſter at Dundrennane, Mr Henrie Guthrie miniſter at Stirling, Mr Thomas Spittele perſone of Falkirke, Mr Robert Boucanquell miniſter at Tranent, Mr George Sydſerfe miniſter at Cockburniſpathe, Mr James Bennet miniſter at Lawder, Mr Alexander Kinneir perſone of Quhytfuird, Mr Murdo M^ckeinzie perſone of Dingwell, Mr Dougall Campbell miniſter at Knapdaill, Mr Donald M^cgilmoriſche miniſter at Innerrarae, Mr Ferquhare Fraſer deane of the Illes, Mr Patrik Stewarte miniſter at Boote ; Conſtabill of the Theme, Sir Jeerome Lindſay, Sir Henrie Hay, Meſſris Robert Nicolſone and Thomas Aikinhead commiſſaris of Edinburgh, Mr James Weymes commiſſar of St Androis, Mr James Sandilandis commiſſar of Aberdein, the commiſſaris of Elgin Invernes and Roſs preſent and wha ſall be for the tyme, Mr Robert Murray commiſſar of Stirling, Adame Cunyngahame commiſſar of Drumfreis, the commiſſar and proveiſt of the citie of Glaſgow, the commiſſar and proveſt of Wigtoune and Kirkcudbryght, or to anie ane of thame, ane archbiſchope or biſchope being ane of the number, to ſummond and call befoir thame, at whenſoever tyme or place it ſall pleis thame to appoynt, all and ſundrie perſones within the kingdome of Scotland, and dwelling within the provinceis of St Androis and Gleſgow, that are ayther ſcandalous in lyffe doctrine or relligioune, ſpeciallie all traffecquaris, interymmeris, recepteris of Jeſuites or ſemenarie preiſtes, heareris of meſſe, all excommunicated papiſtes, recuſantis, non-communicantis, all inceſtu-

ous or adulterous perſones, all obſcure contemneris of the diſcipline of the churche, or for that cauſe excommunicate, all abuſeris of relligious perſones and places, and diſturberis of devyne ſervice and thingis therunto belanging, and all blaſphemeris, curſeris and ſweireris; and not only to call the ſaidis tranſgreſſouris and everie ane of thame, bot lykwyſe any ſpeciall perſones whatſumever within the ſaid kingdome, ſuſpect to be giltie of the foirſaidis crymes or any of thame, and to try and cognoſce the ſaidis crymes and offences, and iff they ſall find any man guyltie and impenitent, to give directioune to the miniſter of the parochine whair the ſaid impenitent perſone remaines, to proceid againes him or hir, and pronunce ſentence of excommunicatioune againes thame, and iff the miniſter diſſobey the ſaid directioune, to be ſuſpendit, depryvit, incarcerate and puniſcht as they ſall think fitt: Attowr with power to thame to puniſche, incarcerate, fyne and confyne all that ſall be found guyltie of the ſaidis crymes and offences, or that ſall prove contumatious, or refuis to compeir befoir thame; with power lykewyſe to the ſaidis commiſſioneris to call befoir thame all miniſteris, preacheris, maiſteris of ſcoollis, colledgis and univerſiteis, exerceris and lectoureris, within the ſaid boundis, delait unto thame for preaching or ſpeaking in publict againes any of the concluſiounes of the bypaſt generall aſſemblie, and preſentt ſtait and government of the kingdome and churche, particularlie againes the actis concludit in the generall aſſemblie halden at Perthe in the monethe of Auguſt 1618; and wherin they ſall try diſſobeyaris of the ſaidis actis, wrytteris of lybellis, and pamphlettis againes any of the ſaidis

conſtitutiounes of the churche, the imprinteris of the ſaidis lybellis or pamphlettis or any uther billis, without his Maieſteis licence and warrand, or the licence of thoſe that ſall be authorizit for that be his hienes, to cenſure and puniſche by ſuſpenſioune, deprivatioune, fyning, committing and incarſeratting, according as they ſall find the qualitie of their offence to deſerve; And alſo to receave and diſcuſs all appellatioune maid unto tham from any inferior eccleſiaſticall judicatoreis, and to inhibit the ſaidis inferior judicatoreis to proceid in any caus that they ſall judge impertinent, and not to belong to their cognitioune, and to cenſure the ſaidis judges quhom they ſall find to behave thamſelffis partiallie in any caus concerning the foirſaidis; commanding the capitane and leuetennent of the gaird, proveſt and baillies of the burrowes quhair it ſall happin the ſaidis commiſſioneris to reſyde, ſhirreffis and baillies of regaliteis, to ſearche, ſeik, take and apprehend all ſuch delinquentis, and preſent thame befoir the ſaidis commiſſioneris, upon the warrand of any ſevin of thame, ane archbiſchope and biſchope being ane of the number; commanding lykewyſe the capitanes and conſtables of his hienes caſtellis and houſſes, and the keiperis of priſſounes and uther places of firmance, to receave and reteine thoſe that ſall be direct unto thame be the ſaidis commiſſioneris, upon warrand as ſaid is, as they will anſuer upon their diſſobedience and uttermoſt perrell: Ordaining farder the Lordis of Privie counſell, upon the certificat ſubſcryvit be the ſaidis commiſſioneris, or any ſevin of thame, ane archbiſchope or biſchope being ane of the number, to direct letters of horning for paying of the ſyne impoſit be

the ſaidis commiſſioneris, incais of the delinquentis diſſobedience or refuiſall to compeir quhan they are citit befoir thame, off quhilkis letteris and chairges no ſuſpenſioune nor relaxatioune ſall be grauntit, without the teſtimonie of ane of the archbiſchopes or biſchopes, beiring obedience to the decreit of the commiſſione and ſatiſfactioune of the pairteis: And makis conſtitutis and ordaines Mr Williame Hay, commiſſar clerke of Edinburgh, clerke of the ſaid hich commiſſioune during all the dayes of his lyftyme, with power to him to creat deputtis under him, in ather of the ſaidis twa provinces, requyring the ſaidis commiſſioneris to receave the aithe of the ſaid Mr Williame, for dew adminiſtratioune of the ſaid office, with power to thame to appoynt fiſcall officiaris, and all utheris memberis of court, and to direct ſummondis and preceptis in his hienes name, for ceiting of quhatſumever pairteis and perſones in any of the foirſaidis cauſſis, quhilkis praceptis ſall be ſeillit with one of the archbiſchope or biſchope ſeillis, and ſubſcryvit be the ſaid clerke, with power to ſummond witneſſis in any of the ſaidis cauſſis, under the paine of fourtie poundis money of Scotland; And if the ſaidis witneſſis refuiſe to compeir, or the ſaidis pairteis decernit in ane fyne delay to make payment, ordaining the Lordis of Privie counſell to direct chairges upon the certificat ſubſcryvit be the ſaidis commiſſioneris, as is above ſpecifiet, off the quhilkis fyne the one half ſall appertaine to his Maieſtie, and the other halff to be employit upon the charges quhilkis the ſaidis commiſſioneris ſall be forcit to wair out in executing of this preſent commiſſioune, and iff any remander ſall be of the ſamyne, the ſamyne ſall be beſtowit to pious uſſes

at the ficht of the faidis commiſſioneris, and generallie all and fundrie uther thingis that are neceſſarie in the premiſſes, or may be thoucht anywayes requiſit for his hienes ſervice, and according to the intentioune of this commiſſioune; inhibiting the Lordis of ſecreit counſell and ſeſſioune to grant any advocatioune from the ſaidis commiſſioneris, in materis of the qualitie foirſaid, bot to remitt the tryall and cenſure therof to the ſaidis commiſſioneris: commanding laſtlie all his Majeſties leidges whom theſe thingis may concerne, to anſwer and obey the ſaidis commiſſioneris, or any ſevin of thame, ane archbiſchope or biſchope being ane of the number, and ther officiaris and miniſteris quhatſumever, under all hieſt paine that efter may follow; and ordaines thir preſentis to be ane warrand to the Directour of the Chancellarie, for wrytting the ſamyne to the great ſeall, and to the Lord Chancellare for appending the ſeall therto, without farder preceptis to be direct thairupone. Gevin at Hamptoune court, the twentie ane day of October 1634.

XII. Copie of the first petitioune anent the service book. 1637.

For the glory of Chriſt Jeſus, and preſervatioune of trew religioune, for the honoure of King Charles, and preſervatioune of his native and ancient kingdome.

My Lordis of ſecreit counſell, unto your Lordſhips humblie meines and ſchowes we under ſubſcrivers, noblemen, barones,

burgeſſes, miniſteris and comones, that wheras we ware in all humilitie and quiet manner attending a gracious anſwer of our former ſuplicatiounes, againſt the ſervice booke impoſed upon us, and readie to ſchow the grit inconveniences which upon the introductioune therof muſt inſchew, we ar, without anie knowne deſert, far by our expectatioune, ſurprized and chairged by publick proclamatioune to depairt off the toune within twentie four houris therafter, under paine of rebellionne, by which peremptorie and unuſuall chairge, our fears of a more ſummar and ſtrike courſe of proceeding in thir matters is augmented, and the courſe of our ſupplicatiounes interrupted; wherfor we ar conſtrained out of the greif of our heart humblie to remonſtrat, that wheras the archbiſchopes and biſchopes of this realme, being intruſted by his Majeſtie with the goverment of the affeiris of the kirke of Scotland, have drawine upe and fett forth, or have cauſed beine drawine upe and fet forth, and injoyned upon the ſubject, two bookes, in the on wherof, called the book of comone prayer, not onlie ar ſowen the ſeedis of diverſe ſuperſtitions, idolatrie and falſe doctreine, contrair to the trew religioune eſtableiſched in this realme by divers actes of parliament, bot alſo the ſervice book of Ingland is ſo abuſed, eſpecialli in the mater about the comunioune, by additions, ſupſtractions, interchanging of wordis and ſentences, falſifying of titles, and miſplacing of collects, to the diſadvantag of reformatioune, as the Romiſh maſſe ſubſtantiall and manie poyntis maid up therine, (as we offer to inſtruct in tyme and place convenient) cloſe contrair unto, and forran inverſing of the gratious intentioune of the bliſſed reformers

of religioune in England; in the other book, called cannones and conſtitutiounes for the goverment of the kirk of Scotland, they have ordained that whoſoever ſall affirme that the forme of worſchip, contained in the booke of commoune prayer, and adminiſterationes of ſacraments, (wherof befor and now we moſt juſtlie complaine) doeth conteine onie thing repugnant to the ſcripturis, or ar corrupt ſuperſtitionis, or unlawfull in the ſervice and worſchipe of God, ſall be excomunicated, and not reſtoired bot by the biſchop of the place, or archbiſchopes of the provinc, after his repentance and publick revocatioune of this his wicked error, beſyde a hundred canones mo, manie of them tending to the reviving and ſoſtering of aboliſhed ſuperſtitiounes and erroris, and to the overthrow of our kirke diſcipline eſtabliſched by actes of parliament, openning a doore for what farther innovationis of religioune they pleiſe to mak, and ſtopping the way which law beſoir did allow unto us, for ſuppreſſing of error and ſupperſtitione, and ordaining that wher in anie of the cannones ther is no penaltie ſett doune expreſſlie, the puniſhment ſall be arbitrary as the biſchopes ſall think fitteſt, all which canones wer never ſein nor allowed in any generall aſſemblie, bot ar impoſed contrair to ordour of law, appointed in this realme for eſtabliſching of matteris eccleſiaſtik; unto which two bookes the forſaidis prelatis have under truſt procured his Majeſties royall hand and letteris pattent, for preſſing the ſame upon his loyall ſubjectis, and yit ar they the contriveris and deviſeris of the ſame, as doeth cleirly apeir by the frontiſpice of the book of common prayer, and ar begune to urge the acceptance of the ſame, not only by

injunctiounes given in provinciall affemblies, bot allfo by oppen proclamatioune and fchairges of horneing, wherby we ar driven in fuch ftraits as we moft ather, by proceffe of excommunicatioune and horning, fuffer the ruine of our eftates and fortones, or els by breach of our covenant with God, and forfaiking the way of true religione, fall under the wrath which unto us is more greivous then deathe. Wherfor we, being perfuadit that thefe ther proceedings ar contrair to our gratious foveragain his pious intentioune, who out of his zeall and princlie cair of the prefervatioune of trew religioune eftablifched in this his ancient kingdome, hes ratified the fame in his heighnes parliament anno 1633, and fo his Majeftie to be heighlie wronged by the faidis prelattis, who have fo farre abufed ther credit with fo good a king as thus to enfnar his fubjectis, rent our church, undermind religioune, in doctrine facramentis and difcipline, move difcontentis betwixt the Kinge and his fubjectis, and difcord betwixt fubjectis and fubjectis, contrair to feverall actes of parliament, do, out of bounden deutie to God, our Kinge and native contrey, compleine of thefe forfaid prelatis, humblie craving that this mater may be put to tryall, and thes parties takine ordour with according to the law of the realme, and that thei be not fuffered to fett anie more as our judges, untill this cans be tride and defided according to juftice: and if this fall feeme to your Lordfhipis a matter of heigher importance then you will condifcend unto, befoir his Majeftie be acquantit therwith, then we humblie fupplicat that this our greivance and complaint may be fulli reprefented to his Majeftie, that frome the influence of his gratious governement and

juſtice, thir wronges may be redreſſed, and we have the happines to injoy the religioune as it hath bein reformed in this land.

Sotherland, Rothess, Eglintoun, Casles, Hoome, Lothian, Lindsay, Boyd, Loudoun, Montgomrie, Fleming, Balmerino, Cranstoune, Dalhouse, Jester, Burley, Sinclair, Elcho, Dalzell &c.; Barones and Gentlemen, 400.

Burghs, Edinburgh, Stirling, Glasgow, Air, Dumfrice, Couper, Irwin, Kircady, Dumbartane, Lanerk, Dumfermling, Wigtoune, Ginghorne, Dysert, Jedbrugh, Haddingtoune, Northberwick, Selchrig, Culrosse, Killcubricht, Dumbar.

Miniſteris, 120.

XIII. Reasones for not abjuring of Episcopacie. 1639.

That in comanding to ſwear the Covenant of 1580 and 1581, his Majeſtie that then wes and his counſall did not intend the abjuratioun of Epiſcopacie: Becauſe bot ten yeires befor, viz. in the yeir 1571, ther was ane folemne agriment maid betwixt the comiſſioneris of his Majeſties counſall, and the comiſſioneris of the generall aſſemblie of the churche, (during the kingis minoritie or without a contrairie ordour from parliament) archbiſchopis and biſchopis ſould convein,

as befor they did, and that in everie metropolitane and epiſcopalle ſeat ther ſould be deane and chapter, and the boundis of diocieſſes ſould not be confoundit. Nay ther wes ane exact forme at that tyme ſett doune by the ſeverall comiſſioneris, and regiſtrat in the buikis of counſall, for creating of biſchopis efter a proteſtant maner; towitt, efter a long defyre to the dean and chapter, then a forme of returneing of the ellectioun, with a petitioun to the king for his royall aſſent; then the forme of the royall aſſent, with comandement of the archbiſchopis for conſecratioun; then the oth of the new biſchope wes to tak befor his Majeſtie, to witt that he acknowledgit the kingis Majeſtie ſupream governour of this realme, alſweill in thingis temporall as in the conſervatioun and purgatioun of religioun, (which differris in wordis from the Engliſhe othes of ſupremacie, bot is in cenſe the ſam) and that he held the biſchoprik and proviſiounes therof, under God onlie, of his Majeſties croune &c.; laſtlie, ther wes ane forme concludit one for his reſtitutioun to his temporalities. Now this argument wes in preceis termes confirmed by his Majeſtie and counſall, in that ſame ſelf yeir 1581, when that ſame covenant wes comandit by him to be ſworne by the ſubjectis, ſo that it cannot be conceaved that his Majeſtie and counſall ſould in the ſam yeir give order to ſwear doune it; and no honeſt man will deny that the ſubjectis wes bound to ſwear that covenant in that cenſe, and no other, which wes agreable to the intentiounes which cauſit it to be ſworne.

It is objected that under theſe wordes "the Popes wicked

hierarchie" Epiſcopacie is fworne doune. Iff by theſe wordes they will everthrow Epiſcopacie, I lie not bot they moſt be forcit to confes that they have at once abjured both preſbiteris and decanes, for the counſall of Trent makis the hierarchie of the kirk to conſiſt of theſe thrie ordouris, biſchopis preſbiteris and decanes. Now if under the word hierarchie, Epiſcopacie be fworne doune, how can the uther two eſchape, for it conſiſtes the lyk of thrie, and therfor all thrie moſt neidis run the ſame fortoune.

Iff they reply that indeid they ſtill retein preſbiteris and deacones, bot yitt ſo onlie as they ar ordainit in the reformed churches; the lyk I replyit for biſchops, that they wer ordainit in a forme allowed by reformed churches, as this in ſubſtance wes by the churche of England, and in preceis termes by the commiſſioneris of the kirk of Scotland, ffor it is not probable that in ten yeires peace ther ſould be no biſchoprik voyd, and ſo none ordainit according to that forme to the counſall buikis. Nay it is appearandlie plaine that ſome ar ſo ordainit [by] the fornamit othe, viz. Johne Archbiſchope of Sainct Androwes in the year 1572, and James Biſchope of Dunkell in the year 1573, as is regiſtrat in the buikis of counſall, wher perhapes utheris ar recorded too.

Iff they ſay that the Scotis biſchopes moſt neides be pairtaker of the Popes herarchie, becaus they ſucceedit thoſe, and reſſavit impoſitioun of handis from thoſe who believed in obedience to the Pope, I againe replye that ther preſbitries ar in

the fam werie caice; for I prefume they will not fay bot they moft neides deryve ther orderis, ather from bifchopis of that obedience, or from prefbiteries who wer ordainit by fuch bifchopis, feing that in the begining of the reformatioun ther wes no uther clergiemen in thefe pairtes. They moft tak ther order ather from them or not, for I perfuad myfelf they will not affirme that one prefbiter can ordain prefbiterium. Nay, as they ar learned men, they fould fay that a preift ordainit by the new Romane churche, iff he leave his fuperftitioun and leive proteftant, neidis no more ordinatioun to become a prefbiter with us. What then moft be the meaneing of thofe wordis, "that they abjure the Popes wicked hierarchie."

As I conceave, the cenfe of them is plaine from a precedent claus in that Covenant, viz: "that they abjure the Popes fyve baftard facramentis;" and yitt I hope they intendit not to fuear out ather matrimonie or holie orderis in generall, which yitt ar tuo, as all knowe, reckned by that churche amongeft hir fyve, bot onlie they abjure thefe corruptiones and fuperftitiounes formes, whiche the popifhe churche haid annexit to thes devyned inftitutiounes, and in calling them proper facramentis.

So when they abjured hir wicked hierarchie, they did not fuear out bifchopis, no more then they did prefbitries and decanes, bot they abjured the corruptiones and fuperftitiones concomitantes, which the Pope had annexed to thofe holie callingis, towitt, amongeft manie uther abufes, that bifchopis wer conftrained to fuear fuche ane obedience and dependence one

the Pope, as wes derogatorie to the ſuppreame power of ther awin native princes, ſo that it wes almoſt ane impoſſible thing to be at once a ſtout and loyall ſubject, and ſuppoſe biſchops and preſbiteris, in this treaſſonable conſtitutioune; ther wer no doubt in that poynt the Popes wicked hierarchie, as now they may be conſtitutiones.

All this I had rather urge, becauſe I conceave that the actis of the King and counſall ar the beſt interpreteris of that Covenant, becaus it wes ſett out by the King and counſall, for *quisque optimus interpres sui.*

XIV. Report on the Army Accounts. 1641.

Repoirt be the Auditouris, anent the proceedour in the generall Commiſſar his accomptis at the campe, to the Lordis and utheris of the Committie, att Newcaſtle, the 12th of Maii 1641.

Pleas your Lordſhip, according to the commiſſioun preſentit to us frome the parlement, the 22d day of Marche laſtbipaſt, by the which we ar appointed Auditouris for the generall Commiſſar his accomptis at the campe, alſweell in money as proveant for the intertenement of the Scottis armye, wee did meit the ſaid day, and hes proceidit as followes.

And firſt haveing receaved from Johne Denholme, keeper

of the accompt of proveant, his accompt of proveant intromettit with be him and utheris ſubcommiſſaris (as he affirmes), ſince the armye came in Engleand, which wes upon the 20th day of Auguſt 1640, to the firſt of Aprile 1641 excluſive, alſweill the proveant which came frome Scotland by ſea allanerlie, as that which wes found heir att Newcaſtle; and haveing layde and calculat chairge and diſchairge of the ſaid accompt, and haveing compaired the ſaid diſchairge with the receaptis and inſtructiouns therof, we find the chairge of proveant being converted in money will extend to the ſowme of two hundreth threſcoir ſevin thouſand, ane hundreth fourеſcoir fyftene pundis, fyftene ſchillingis Scottis money.

And the diſchairge of the ſame accompt, according to the quartermaſteris and utheris ther receaptis, to the ſowme of two hundreth fyve thouſand, ſevin hundreth eightene pundis, ſex ſchillingis two penneis; ſua that thair will be reſting in the generall Commiſſaris handis, not gevin out to the regimentis preceiding the ſaid firſt day of Aprile 1641 excluſive, victuall and proveant conforme to the particularis gevin in heirwith in ane uther paper, the pryces wherof will extend to the ſowme of threſcoir one thouſand, eight hundreth threſcoir nyne pundis, eightеine ſchillingis eight penneis, *sálvo justo calculo.*

12 May 1641. The Committie thinkis it fitt that the Auditouris shall tak this way proposed, and sie it done in presence of the generall Commissar.

And ſeeing your Lordſhip gave to our conſideratioun the finding out of the way for adding further to the generall Commiſſar his chairge, iff ony thing be omittit, we think it a goode and a fitt way to call for the Mayor and Aldermen of

Newcaſtle, that they may declare iff they knew ony thing wherwith the generall Commiſſar and his deputtis hes intromettit, and wherof he hes not gevin the inhabitantis ſatiffactioun by accompt.

Secoundlie, thair being ſome articklis in the chairge, wherof we could not approve, wee thocht fitt lykwyſe to repreſent the ſame to your Lordſhip, for your Lordſhips advyce thairintill.

The firſt wherof is ane artickle of 2564 bollis rye, which is chairged in Sir John Marleingis name, bot as we conceave belongis to the Kingis maggazine: thairfore our deſyre is that your Lordſhip will be pleaſed boithe to preſcryve the way how the certane nowmber of bollis may be found out, and to quhome it did belong, for iff it belongis to the Kingis Majeſtie, it would be prejudice to the eſtait iff pryce therof war payed to ony uther.

The preceiding way will cleir the nowmber; and it will be tyme to speake of the owneris, quhen it comes to the tyme of payment.

Secoundlye, thair is chairged 3281 ſtone cheiſe Engliſh weight, intromittit with furth of the Trinitie hous, the juſt quantitie thairof and to quhome it did belong would be cleired.

Johnne Denholme will cleir this, by telling who delyvered the same to him.

The thrid is anent thre ſchipis loadneing of rye, extending to 6559 bollis rye, broght to the key, and intromettit with be the generall Commiſſar and his deputtis, bot no manes name ſett doun as awneris thairof: your Lordſhip will therfore be pleaſed to caus cleir the ſame.

This will be cleired betwixt the awneris thairof and the generall Commissarie.

The way to be taken in the first artickle will cleir this.

The fourth is thair being ſome oattis takin out of the ſeverall houſſes, not delyvered be any, we deſyre this may be cleired as the former.

Memorandum.

Item, Johnne Denholme muſt be chairged withe the buttis come frome Engleand, and with the cloath and ſchoes from Scotland, ffor as yit he hes not chairged himſelff withe ony of thame to us.

It is necessar the auditouris sie this done, and the comptis maid conforme.

Wee think it neceſſar the Scottis and Engleiſche meaſour be brokin, to the effect the difference betwixt thame be knowin, in reſpect thair is mutche victuall come from Scotland and delyvered thair be the Scottis meaſour, and is gevin out heir by the Engleiſche meaſour.

The lyke for this.

Sicklyke anent the meill which is receaved by the generall Commiſſar and his deputtis by the Scottis meaſour, and gevin out heir by weight: it would therefore be knowin how many Engleiſche pound weight is in a Scottis boll.

James Sword will delyver this.

The entrie of all ſchipis come frome Scotland would be ſeene, to the effect the juſt quantitie of all proveant come frome thence may be knawin.

The regiment accomptis with the Commiſſar muſt of neceſſitie be maid with all diligence, for cleiring of the accomptis of money and proveant, untill whiche tyme they cannot be ſo cleir as we could wiſche.

Lykwyse we, haveing takin in frome Williame Thomefone upoun the 21ſt of Aprile laſtbipaſt, the generall Commiſſar his accompt off his haill chairge and diſchairge of moneyes intromettit with and gevin out be him, ſince the acceptatioun of his office of generall Commiſſar upoun him, to the firſt day of May inſtant excluſive, and haveing layde and calculat chairge and diſchairge of the ſaid accompt, and haveing compaired the ſaid diſchairge with the receaptis and inſtructiouns thairof, wee find the chairge of money intromettit with be the generall Commiſſar, to the ſaid firſt day of Maii inſtant excluſive, will extend to the ſowme of fourtene hundreth fourtie two thouſand, foure hundreth threfcoir ten pundis, eight penneis Scottis.

And the diſchairge of the ſame accompt, according to the quartermaſter and utheris thair receaptis, to the ſowme of fourtene hundreth fourtie ſex thouſand, threfcoir ſevin pund, ſextene ſchillingis nyne penneis.

Sua that we find (chairge and diſchairge of the ſaid accompt being compaired and ballanced) the generall Commiſſar will be ſuperexpended, in the ſowme of thre thouſand, fyve hundreth fourefcoir feevintene pundis, ſextene ſchillingis ane pennye money, *salvo justo calculo.*

And what doubtis hath arryſin to us in the progres of the ſaid accompt, and whairin we deſyre your Lordſhips advyce, we have ſett down as followis.

This is very neceſſar, and the Auditouris must put everie man who had chairge to doe this.

Firſt, wee think it neceſſar that thair be ane particular accompt, alſweel of the haill ſcheip and nolt which came frome Scotland and did furneiſche the armye upoun thair marche, as of thoſe which wes receaved in England in pairt of payment of the ceſs, and whairwith the generall Commiſſar and his deputtis muſt chairge thameſelffis in the accomptis, whilk is not as yit done, bot ſtandis as ane artickle of diſchairge in Williame Thomeſone his accompt, ammounting to a great ſowme.

This must be done in Scotland, and the Committie at Edinburgh written for this effect.

Quhairas we find upoun the chairge of Williame Thomeſone his accompt certane ſowmes of money ſent to Scotland, it would be knowin who hes receaved the ſame, and how it wes deburſed.

Johune Denholme most doe this, as most necessar.

Wee find it neceſſar that thair be ane perfyte accompt debitour and creditour, alſweel of all the victuall boght heir frome Scottis merchandis, as ſent frome Scotland, to the effect it may be knawin what is dew to everie man, and what he hes receaved thairfore, ather in haill or in pairt, and ſicklyke that it may be knawin what wes boght frome particular men, or delyvered in, ather for the tenth and twentie penneis, or for fynes, or ony uther way concerning the public.

The lyke particular accompt of debtour and creditour would be keipit for the toun of Newcaſtle.

The Committie at Edinburgh must be adverteised heirof, and alse mutche done heir as can be.

The haill ſubcommiſſaris boith heir and in Scotland, who ar chairged with money in Williame Thomeſones diſchairge, muſt be called to ane accompt, to the effect it may be knawin

how and for what caus the famyn hes bene gevin furth be thame.

And becaus the faid fubcommiffaris accomptis, and findrie particularis in Williame Thomefones difchairge, will fo mix in the accomptis to be fitted heir and at Edinburgh, it is neceffar that the Committie heir adverteis the Committie and auditouris at Edinburgh, that they doe not finallie conclude ony commiffarie or regiment accomptis thair, untill the accomptis heir and thair be compaired togidder. This shall be done.

We defyre to know iff your Lordfhip will allowe the fowme of 755 pundis Scottis, gevin out be Tobias Knollis upoun chairges, and to tuo curettis.

The lyke we defyre concerneing Mr Williame Hamilton, anent the fowme of 807 pundis, 6 fhillingis Scottis, alledgit gevin out be him, in chairges for ingaddering fome of the clairgie rentis, and for ane horfe to himfelff.

XV. Instructions for the Earl of Argyle. 1643–4.

Inftructiounes for the Earle of Argyll, and remanent noblemen adjoyned in the commiffioune givin to thame.

1. For defence of religioune croune and countrie from that hoftill invafioune, threatened both by fea and land alfeweill

from Ingland as Ireland, and for fuppreſſing of inteſtine enemies, and for haveing ane reſerve to be a recroo to the armie at the bordouris, it is neceſſar that thair be conſiderable forces drauine togidder to a heade, who may be in readines to the effect foirſaid.

2. That for this end the Earle of Argyll, with advyſe and concurrence of the remanent nobilmen joyned in commiſſioune, would draue out of the ſhereſdome of Argyll, and uther pairtis within the boundis of thair commiſſioune, as may beſt conſiſt with the defence of the countrie, eſpeciallie from the hielands and ſhyres nixt adjacent to Stirling, ſic forces as can be gottine, with the beſt armes they have of all ſortis, to make upe ane conſiderable armie, who may upone all occaſiounes be readie to reſiſt all forreyne invaſioune, fuppreſs all inteſtine inſurrectioune, and obviat whatevir hoſtill dangeris ſall occurre in anie pairt of the kingdome, as they ſall find requiſite, or ſall get ordour from the general or Committie at Edinburgh.

3. That they ſie the inſtructiounes ſent from the Committie at Edinburgh, and the generall, anent the haiſting out of the fourt man to the armie at the bordouris, with the tuo pairt of the horſemen able to carie armes, of the noblemen, gentilmen and yeomens, with piſtollis, carabines, hagbuttis, or with launces, jackes and ſteill bonnetis, or anie uther armes whatſoevir uſefull for horſe, haiſtet furth to that armie of the borderis alſo; and in cauſing all betuixt 60 and 16 be in readines to come furth, and marche with the beſt armes they can have of all ſortis,

whenevir they ſalbe advertiſed, with anc monethis proviſioune of victuallis neceſſar for thair intertainement, and to ſie theſe inſtructiounes, with all utheris that ſall come from the generall or the Committie at Edinburgh, or which they thamefelffis ſall find neceſſar upon anie occaſioune arryſing within the countrie, put to dew executioune.

4. That they have power and oucht to tak ordour with anie who ſall diſſobey and neglect the inſtructiounes and ordouris preſcryvit be the generall, or the Committie at Edinburgh, with power lykwayes to the ſaid Earle of Argyll and commiſſioneris foirſaidis to uſe all poſſible diligence and lawfull means, for provyding armis and amonitioune requiſite.

5. As als with power to thame to appoynt commiſſaris ane or mae, with conſent and advyſe of the generall commiſſaris, (to quhom they ſalbe countable) for gathering in of victuallis out of ſuch pairtis of the countrie whair the ſame may be hade, to Stirling, or anie uther places ſall be found fitteſt, for proviſioune to theſe forcis, which is to be done on the publict charge of the kingdome.

Laſtlie, with power to the ſaid Earle of Argyll, and the noblemen adjoyned with him in the ſaid commiſſioune, to doe all and whatſomevir may conduce for the defence of the kingdome, they being allwayes anſwerable to the generall and Eſtates of the kingdome.

XVI. Procuratory by Sir George Stirling of Keir. 13 July 1641.

I, Sir George Sterling of Keir, doe heirby give full power and expreſſe warrant to ane noble lord Johne lord Fleming, to compeir before the honorable Eſtates of this kingdome, when they ſhall be conveined in parliament, upon Thurſday nixt the day of this inſtant, and when they ſhall be ſette downe in plain parliament, to preſent in my name a ſupplication, which his Lordſhip ſhall deſire the preſident to caus reade and anſwer; as wittneſſes thir preſents, written and ſubſcrived with my hand, at the Caſtel of Edenburgh, 13th of Julie 1641.

G. KEIR.

XVII. Instructions of Sir George Stirling of Keir to John Earl of Wigton. 1641.

1. When the Eſtates are conveined and ſete downe in plain parliament, your Lordſhip wil be pleaſed with all dew reſpect to preſent to the preſident of Parliament, this ſupplication from me.

2. Beſoir ever they fall upon prorogating the Parliament, ye ſhall deſire in my name that my ſupplication may be read, and anſwered be the Parliament.

3. If the prefident and others wold put it by, and urge that the Parliament may firft be prorogate, defire the prefident that prefentlie it may ather be hard or refufed by the Parliament it felfe, and creave him to afke the voices for that effect.

4. If ather they refufe to let voices be gathered, or if it be voiced, and be ther voices they wold caft it off, or remitte it bake to the committie; in ather of thefe caifes your Lordfhip fhall defire that my fupplication (with all that hes bein defired by you in my name) may be recorded, and PROTEST that, in regaird I had humblie creaved a hearing in Parliament for cleiring ourfelfes, and juftifieng our actions in all time coming, we may be repute frie of the foule afpertions that this while hes bein undefervedlie caften upon us, and that the Parliaments not hearing us at this time is a tacite aknoledging that nothing can be laid to our charge.

Then give the fupplication and a copie of this proteftation to the clerke, both which you fhall defire to be recorded, and therupon afke inftruments.

For doeing wherof, as this fhall be your Lordfhips warrant, fo fhall I be

your humble fervant

G. KEIR.

XVIII. Montroise Speitche to the Parliament. 1641.

At firſt entrie, (eſter low curtacie) the precident demandit my Lord what he haid to ſay? My Lord anſwered, I have no further nor what I have alreadie humblie repreſented by my ſupplicatioune, and am in all humilitie to expect your Lordſhipis pleaſouris in quhat I ſall be commandit. Eſter whitche the precident deſyred him to remove, and he ſuld knaw the Parliamentis pleaſour.

Being againe callit, the precident did aſk of new if he haid any thing to repreſent to the Parliament? Montroiſe anſwered as of befoir, that he did in all humilitie onlie expect thair Lordſhipis pleaſour. And againe preſſing him if he haid any further to ſay, anſwerit, Not; onlie am hairtilie ſorie that it ſuld be my miſfortoun to ſchow myſelff in this conditioun, for as it hes bein far from my intentioun to faill in my dewtie to the publict, ſo wes it als mutche from my thocht to appeir heir in thir termes. That whair ſutche as haid bein declared enimies to thair religioune and libertie wer ather to reſſave juſt cenſure, or mak dew acknawledgement, I ſuld be holdin to find myſelff as on within ſutche a predicament, ffor what I have done is knowin to a great meany, and what I have done amiſs is unknawin to myſelff. Howſoevir as treuth did not ſeik corneris, it neideth no faivour; neather will I truble your Lordſhipis with longer diſcourſe, bot reſulatlie relay upoun

my awin innofencie and your Lordſhipis juſtice, and ſtill in all humilitie attend your Lordſhipis further pleaſuer.

Being againe removed and thairefter called, the precident did aſk as of befoir, My Lord have ye any thing whitche I may repreſent to the Parliament? Montroiſe anſuered, Onlie what I have already humblie repreſented, whitche with all patience I am to expect your Lordſhipis reſolutiounes in. With all I am confident it ſuld not be neceſſarie for me humblie to beg your Lordſhipis will be plealit to reſerve me ane ear, ffor I aſſure my ſelff juſtice, both and your Lordſhipis wiſdomes did inſinuat moir ſtronglie ſo mutche nor I could expres it, ſo I wald onlie in all humilitie expect your Lordſhipis commandementis. My reſolution is to cary along fidelity and honour to the grave; and therfor hairtallie wiſs that I may be putt to all that is poſſibill to queſtioun me upoun, and ather ſall I give your Lordſhipis all ffull and humble content, or utherweyis not onlie not deprecat, bot petitioun all the moſt condigne cenſure that your Lordſhipis ſall think ſuttabill to ſo mutche demereitt.

27th Julii 1641.

XIX. Protest by Montrose, Napier and others. 1641.

The Proteſtatioune of James Erle of Montroſe, Archibald Lord Nepar, Sir George Stirling of Keir, and Sir Archibald Stewart of Blackhall.

Whairas, notwithſtanding our many and zealous indevouris

for the publict, and the religione and liberties of our countrie, with the hazard of our perſounes and our great charges and expenſſes, it was our miſſortoun, when others wer rewarded and remunerated, to meit firſt with ane hard opinione and miſconſtructione of our actiounes, as tending to diviſione and practiqueing againeſt our countrie, wheroff God knowes wee never harboured the leſt thought; and after wee had ſuffered in our names, (which to men of honour of all ſuffrings is the moſt griveous) wee was impriſoned in the caſtle of Edinburgh in Junii 1641, and ſuffered in our perſounes, being detained thair be the ſpace of 6 monethis, and the firſt ſex weekis of our impriſonment, being keiped ſo as if wee had been guiltie off the higheſt pointis of treaſone, our freindis not being allowed to have acceſſe to us, and dureing the whole tyme of our impriſonment being ſequeſtrat in ſeverall rowmes, and evrie on of us denying the ſeing and enjoying of otheris, notwithſtanding our mutuall tyes and entreſſes. Neverthelefs wee conceaved that the courſe takin againes us be the commitie of Eſtates, albeit verie infrequent the tyme of our committeing, the moſt pairt of the peires of the countrie being abſent at the camp, was out of a tender zeale to the publict, with all humilitie and patience acquieſced to the famyne, and comforted ourſelves with the expectatioune of a Parliament, being confident to vindicat our actiones from all aſperſiones and prejudices in that hie court. Yet ſuch ſtill was the tenour of our miſſortoune, that before wee was hard to cleire ourſelves to the Eſtates, of the hard impreſſione they had receaved againes us, the old jealouſies was fomented, and new prejudices againeſt us and our

actiones bred and inſtilled in the eares and heartes of the whole Eſtates, and diſtilled from that honourable bodie throw the haill countrie, upon the occaſione of drawin up of voluminous dittayes againes us, and the publict reading theiroff in face of Parliament, which contained a rhapfodie of manie hynous crymes. And in the aſſumptione painting furth our actiones with the fouleſt coloures, and all poſſible aggravationes, and aſſumeing againeſt us the odious crymes of perjurie, lying, treaſone and others, and in the concluſione being writen with blood, and inferring the hieſt paines of infamie, forfaltour of lyff lands and goods, wee had juſt reaſone to apprehend that the firſt impreſſiones, which ar ever moſt firme, (being ſtronglie rooted in maner foirſaid) could hardlie be gottin out of the minds of men: yet ſuch was our confidence of our innocencie, that wee frequentlie petitioned to be hard before the honourable Eſtates, and undoubtedlie might have expected from their goodnes and juſtice a full heiring and tryall, if that hie court had not bein takin up with buſſines of greateſt moment, and in end his Majeſtie had not bein forced to returne to ſettle his royal affaires in his other dominiones, to our unſpeakable greiff, in regaird our honour lay ſtill branded with thes foull and publict aſperſiones. Nevertheleſſe wee was ſtill hopefull, and promiſed the happines of a publict and ſpeedie tryall, in regaird the Eſtates had appointed a commitie for our tryall, and recommended to the commiſſioneris to proceid with all diligence, and had limitat our proceſſe and tryall to endure till the firſt of Merch, that wee ſould be no longer in ſuſpence; and theirfore as wee have patientlie longed for our tryall, wee have contri-

buted all that was in our power for accelerating the ſame, and ſo farr as being cited to compeir before the committie the 27th of January laſt, wheras the firſt day of the meeting of the commitie was the 4th of Januarie. Wee appeared accordinglie, and ane day being deſigned to give in our defences againeſt the lybell, albeit the tyme was diſproportioned to the dittay, being of ane extraordinarie lenth, and the tyme ſhorter then is ordinarlie allowed for anſwering the ſhorteſt dittayes; onlie I James Erle of Montroſe, being neceſſitat to be abſent the day wherinto I was cited be reaſone of ſicknes, at my appearing the acht day theirafter deſyred ane ſhort tyme for anſwering my dittay, which was more prolix then any of the reſt of the dittayes, and gott onlie ane frie day for giveing in my defences, my appearing being on Fryday at night, and Monday being aſſigned peremptorlie: at which day wee gave in, notwithſtanding the ſhortnes of tyme, our anſweris to the haill dittayes, which was given to the procuratours of Eſtate to be anſwered be them, and keiped up auchteint dayes before they were given backe with their replyes; which being given to our procuratours to be anſwered, our duplayes was exped in three dayes, as the minot of the proceſſe bearing the dyetis aſſigned for anſwering, and the productione of the anſweris replyes and duplyes will cleir. During which tyme of the dependance of our proceſſe, wee have offred and urged all poſſible meinis of the tryall of the treuth, and in ſpeciall the confrontatione of Lieutenant Collonel Walter Stewart, upon whois ſingulare depoſitiones, being taken before wee was cited and hard, he being be his oun confeſſione guiltie and infamous, our dittay for the moſt

pairt is founded, being ane weake ground in law for ane inquiſitione againeſt anie of the meineſt qualitie, much more for a formall dittay of treaſone againeſt thes of our conditione; ſince that it appeareth evidentlie from the haill premiſſes that wee are not *in mora*, ſeing the proceſſe is cloſed in our pairt, and it is not our fault that our proceſſe is not ended within the tyme intendit and limitated be the Eſtates. Wee thairfore PROTEST, that as wee take God to witneſſe that wee ar not conſcious to our ſelves of any baſe or indirect practiſe againes the countrie, or of anie of the foule crymes lybellit, ſo wee have done our outmoſt indevouris to vindicat our ſelves be a publict tryall, of the calumnious aſperſiones lybellit, both in the tyme of Parliament, be frequent petitiones for hearing, and dureing the dependance of this proceſſe before the commitie; and theirfore that it ſould not be imputed to us that our tryallis is not finiſhed within the tyme appointed, and that as before God, and in our conſciences, wee ar frie of the guilt of the ſaid crymes, ſo wee may be free in the opinione of the world, and that the lybelling of ſuch crymes againeſt us, and our impriſonment upon certaine preſumptiones and jealouſies may have no reſpect, to intertaine the leaſt preſumptione of guilt againeſt us, in the memorie of this or future ages. Seing tyme haveing diſſipat anie appeirand ground of jealouſies which occaſioned our impriſonment, wee was inlarged be warrand of the Eſtates, and during ſo long dependance of our proceſſe before the Parliament and commitie, wee ar not fund guiltie of any of thes crymes wherwith wee ar charged, and in regard be the act of

Parliament the oblifement of our cautioneris is onlie limitat to the firſt of Marche, and our tryall is boundit within the ſaid tyme, wee PROTEST for our ſelves, and in name and behalff of our cautioneris, that our ſaid cautioneris be free at the ſaid day, and that wee may be free of all challenge trouble or queſtione heirafter, for the pretendit crymes containit in our feverall dittayes reſpective, and may injoy allſo abſolute freedome and integritie of our perſounes, reputatione, dignitie and all other priviledges, as any other ſubject of our qualitie within this kingdome, and as if wee had never bein queſtioned challenged nor accuſed: And alſe incaſe it fall happin (whilk wee expect) that any point of the faidis lybellis be fund relevant or provin againeſt us, wee, being conſcious of our own integritie and innocencie, proteſt for remaid; and that nevertheleſſe wee be holdin in honour, name, fame and eſtate in the ſamyne caſe as wee wer at any tyme before queſtione was moved againeſt us; be thir preſentis at Edinburgh, the laſt day of Februarie 1641, before &c.

XX. KING CHARLES I. TO JOHN EARL OF WIGTON. 20 MARCH 1643.

WIGTON, I have written to you formerlye by Montroſe, requiring your aſſiſtance in thoſe thinges which hee ſhould impart unto you concerninge my ſeruice, which I make noe doubt but you will thoroughlye obey: notwithſtandinge I have thought fitt to expreſs unto you, in this particular way, the opinion I

have of your power and ufefullnelle to my fervice, and to encourage you in it by givinge you confidence that I am,

Your affured freinde,

CHARLES R.

Oxford this 20 March 1643.

To our right truſtie and weill beloved Couſin the Earle of Wigtoun.

XXI. King Charles I. to John Earl of Wigton and John Lord Fleming. 21 April 1643.

CHARLES R.

Right truſtie and welbeloved Couſin and Councellour, and right truſtie and welbeloved, wee greet you well. Since nothing on earth can be more deare unto us than the preſervation of the affections of our people, and amongſt them none more then of thoſe of our native kingdome, which, as the long and uninterrupted government of us and our predeceſſors over them doth give us juſt reaſone, in a more neare and ſpeciall maner, to challenge from them, ſo may they juſtly expect a particular tendernes from us in every thing which may contribute to their happineſſe. But knowing what induſtrie is uſed (by ſcattering ſeditious pamphletts, and employing privat agents and inſtruments to give badd impreſſions of us and our proceedings, and under pretence of a danger to religion and goverment) to corrupt their fidelities and affections, and to engadge them in ane onjuſt quarrell againſt us their King, wee cannot

therfore but remove thoſe jealouſies, and ſecure their feares from all poſſibilitie of any hazard to either of theſe from us. Wee have therfore thought fitt to require you to call togither your freinds, vaſſalls, tenents, and ſuch others as have any dependencie upon you, and in our name to ſhow them our willingnes to give all the aſſurances they can deſire, or wee poſſibly graunt (if more can be given then already is), of preſerving inviolably all thoſe graces and favours which wee have of late graunted to that our kingdome, and that wee doe faithfullie promiſe never to goe to the contrarie of any thing there eſtabliſhed, either in the eccleſiaſticall or civil goverment, but that wee will inviolably keip the ſame, according to the lawes of that our kingdome: and wee doe wiſh God ſo to bleſſe our proceedings and poſteritie, as wee doe really make gude and performe this promiſe. Wee hope this will give ſo full ſatiſfaction to all who ſhall heare of this our ſolemne proteſtation, that no ſuch perſones as ſtudies diviſion, or goes about to weaken the confidence betuixt us and our people, and juſtly deſerves the name and puniſhment of incendiaries, ſhalbe ſheltered from the hand of juſtice: and all ſuch others as ſhall endeavour peace and unitie, and obedience to us and our lawes, may expect that protection and encreaſe of favours from us, which their fidelitie deſerves. So expecting your care heirof, wee bid you heartily farewell; from our court at Oxford, the 21ſt of Aprill 1643.

To our right truſtie and right welbeloved Couſin and Councellour, and to our right truſtie and welbeloved, The Earle of Wigtoune, and to his ſone the Lord Fleming.

XXII. Coppie of a declaratioun given in be some Scotes Noblemen to those of both Houses at Oxford. [1643.]

As it can not be bot that all good men and loyall fubjectes ar very much aflicted with the prefent lamentable and diftracted eftaitt of all his Majeflies dominiones, fo we that ar his Majeflies fubjectis off the kingdome off Scotland have great reafone above all otheres to be greived therat: ffor befides the common refentment, that every on borne under his Majeftie aught to have of his undeferved fufferinges, and evillis wherwith his kingdomes ar fo long aflicted, we muft be mor particularlie tuitched for the honour and reputatioun of that our native countrie, that is fo deiplie wounded by the prefedious treacharie of fome off this unnaturall brood, who's baffe and difloyall proceidinges reflect upon the wholl, as if all wer lyk guiltie of the fame; and no marvell that fome be miftaken in this point, when they confider that all thair moft treafonable actiones ar countenanced with publike authorite, and fo may feime to cary along with them approbation of all.

To tak off this prejudice which, in the oppinione of fome who ar ftrangeris to our affaires, may ly upon the generall bodie of our kingdome, fua many of us his Majeflies ffaithfull fubjectis ar heir prefent think ourfelves bound, for fatiffieing the world, bot efpecallie the honourable memberes off both Houffes conveinit heir at this tyme, (of whoes juftice and wifdome we may expect that they will diftingwiffe the ffactione and

natione, and in all your refultes to mak it apear), to emitt a declaratioun of our judgmentis concerning the proceidinges of thair pretended conventione of Eftaittes in Scotland : and fince that it may be feine how much we loath and abhour the fame, and ar refolved never to owne any thing that hath iffewed from them as ane act of any lawfull and warrantable judicatorie, we doe therfoir for ourfelves, and in name of all his Majefties ffaithfull fubjectis off Scotland, that have in haitred and deteftatione the faid traitourous conventiones with all that have ffollowed thairupon, utterlie renunce and difclaime the faid prefent meitting as prefumptoues and illegall, and called for no other end bot to raife ceditione and rebellione in that kingdome; with all committies generall or particular fflowing from the fame, and all actis ordinances and degries maid and geiven thairin, and efpeaciallie that act concerneing that traitourous and damnable Covenant, drawen up and taken betuixt them and the rebellis heir, which we muft heartilie deteaft, and fall never enter thairin by fforce, perfuaflione, or any other refpect whatfomever; as alfo all actes and orderes authorizeing the leiveing of armes, under collor wherof the prefent rebellioufs armie thair is gatherit together, which we efteime ane act of high treafone, and hold ourfelffes obleidged by vertew of our alledgance, and of that act of paffification, to oppofe and withftand the fame. Lykas we ffaithfullie promeiffe upon our honour, everie ane of us, to leive no meines unatemptit to fuppreffe the faid rebellis now in armes againft his Majeftie and his croune of Ingland; ffrom all the ffaithfull fubjectis wherof, bot efpecialie of the honorable memberis of the tuo Houffes heir convenit,

we will expect ſuch countenance encuragement and aſiſtance, as we may be better enabled thereby to prevaill againeſt them and our enemyes, and wherby it may be ſeine that they will not ſuffer the rebellis on both ſydes to goe beſoir them in this poynt, who leive nothing undone in ſo bad a cauſe to ſtrengthen on ane other: and becaus we will tak all ſuch of our awine countriemen as will not joyne heartilie in this our declaratioun, and in the courſes to be taken for the proſecutione theroff, ffor enemies both to his Majeſtie and us, iff for ſuch of them as ar heir, it wer not expedient we ſhould know how to eſteime off them, the honourable memberis of both Houſes may be pleiſit to tak it into thair conſideratione or deſyres, that the honourable memberis of both Houſes heir conveinit wold joyne with us in a requeiſt to his Majeſtie, that what Scotiſhe man whatſoever refuſe to ſett his hand to this declaratione ſubſigned by us, may not be permiteit to leive under his Majeſties protectione, bot be chaſed ffrom amongſt his Majeſties loyall ſubjectis, as a partaker off affections at leiſt with the odious rebelione off both kingdomes.

XXIII. Declaration by George Marquis of Huntly. 16 Merch 1644.

I, George Marquis of Huntly: Whereas the committie of Eſtats have, without his Majeſties approbation, directed a commiſſion to the Shirreffs of Aberdeine and Banff, for ſeaſing upon my perſone, houſſes, rentts and goods, contraire not onlie to the eſtablifched ordour of law, which requyreth all

men to be legally accuſed er they be condemned, and to be criminalie condemned er any ſuch commiſſion be directed againſt them, bot alſo reflecting upon the lawfull priviledges of all his Majeſties good ſubjects of this kingdome, no leſs than the leatt publiſched act for collecting of ane unuſuall excyſe, and for enforcing a generall loane of moneyes throughout the cuntrey; and finding ſome ſtop in the hoped for execution of the ſaid commiſſion, by theſe to whome it was intruſted, have now prepared certaine forces from the ſouth, whereby to preſſe thair deſignes againis me, for no other trew cauſe bot that I refuſe to concur with them in the levie of men and moneyes, for aſſiſting the preſent invaſion of England, contraire to my conſcience, incompatable with my humble loyaltie towards our gracious Soverane, and ſo deſtructive to the leatt pacification, ſolemnly ratified be his Majeſtie and the Parliaments of both kingdomes, as no honeſt chriſtian (being of this my opinion) can willinglie condiſcend to be ſchearer in it. Therfor I the ſaid George Marquis of Huntlye doe heirby Declair and Protest, that if, in the juſt defence of myſelff and frinds from theſe unlawfull violences, or in the repairing of them according to our weak abilities, any acts of hoſtilitie ſhall happen to be committed be us againſt our invaders, and thair confederatts and abetters, they may not be imputed to us otherwyſe than as payment of the debts we ow to nature loyaltie and honour, and to which no lower intereſts could enforce us: which being (as I hop) a ſufficient evidence to all the world of my fair intentions, for rendering the ſinceir and humble dewties I ow to religion, to his Majeſties honour and

faiftie, and to the lawes and liberties of the kingdome, I humblie intreatt and expect approbation from all good men in this fo equitable and neceffitat a caice, withall imploring upon my bended knees fuch heavenlie affiftance from God Almichtie, and fuch earthlie protection from the Kings Majeftie againis all enemies to peace and loyaltie, as in thair mercie and juftice may feame fitt.

XXIV. Declaration by George Marquis of Huntly. 20 Merch 1644.

I, George Marquis of Huntly: Whereas, fince my laft declaration of the 16th of this moneth, the feafing upon the perfons of Patrik Leflie proveft of Aberdeine, Mr Robert Farquhar collector for the north pairts of the kingdome of the prefent taxatione, impofed upon his Majefties fubjects by the Committie of Eftats, Alexander Jaffrie bailzie, and John Jaiffrie deane of gild of Aberdeine, hath fallen out, and that the intention of me the faid Marquis of Huntlye, and of my frinds who have beine actors theirin, may perhaps be misconceaved be fome who know them not, or misinterpreted be others who ar disaffected to them, find myfelff oblidged in my owne name, and thefe who have beine actours as faid is, heirby to declair that it hath beine done, fa far from any private end, as that nether particular fplen againft the parteis, or any vanitie in our felffs hath moved us to it, bot onlie in regaird that the forfaids perfounes ar too weil knowne to have beine fedulous fomenters of a dangerous diftraction amongft us, by

countenancing and aſſiſting ſom men, unhappilie diverted in thair neglect of the dewties they owe both to conſcience loyaltie and natur, and by minaſſing others under thair juriſdiction from rendering thefe lawfull civilities, which ocht to be expected from them, and all for making us obnoxious to the rigours of other men to whoſe ends they concur, which if they ſould be effectuatted, could not bot ruine us, and leave perhaps no great faifftie for them felffs; for preventing of which we have beine neceſſitat to indevor the removell of ſuch obſtacles, as ly in our propoſed wey for maintaining our conſcience towards God, our loyaltie towards our gratious Soverane, and our owne particular lyves and fortunes from deſtruction. And for verifieing that our intentions ar onlie for peace, I the ſaid George Marquis of Huntlye, and my frinds above ſpecifeit, do farder DECLAIR that, upon aſſurance given of no violence to be uſit againſt us or our adherents, in our perſounes nor firtunes, for not rendering obedience to any new act, until ſuch tyme as it ſhall be ratified in Parliament, not only ſhall the forſaid perſounes feaſit upon be reſtored to thair liberties, bot we ſhal lykwyſe be willing and readie to give ſuch ſecuritie for our legall and peaceable cariage, as the lawes of the kingdome doe requyre.

XXV. HUNTLY'S LAST SPEECH. 22 MARCH 1649.

I am broght hither to undergoe the executioun of ane decrie given againſt my lyfe, for having ſpent ſome litle, and indeede too litle tyme therofe, in demonſtrating my obedience, and in endevouring to have done ſome ſervice to our ſacred Sover-

aigne, according to his Majeſties juſt commandes. Sorry am I, and indeede ſorry ſhould you be to, that I am not the firſt that hes ſuffered in this kynde; but by God's aſſiſtance and my owne innocency, that pretended cryme ſhalbe I hope ane reall comfort to me, for waſhing of from my imaginatiounes the uglines of death, with theſe pure ſtreames in relatioune to the caufe therofe, wheron it flotteth to me. I intreate you ſo to looke upoun this mortall parte that I am broght to act, as that, inſteade of being therby affrighted from that obedience to his Majeſties commandes, which both divine and humane precepts obledge you to, you may rather be encouraged to ſtepp towardes ane ſcaffold for that cauſe, even as it were alfe welle ane theater of honour in this world, as indeede it is ane heavinly ladder whereby to mount into that bleſſed kingdome of eternall lyfe. I doe really acknowledge ane Chriſtian duety now incumbent to me, for acquitting in ane Chriſtian way all perſounes whatfoever of all things done by thame againſt me; but withall I may crave your charritable and juſt conſtructiounes touching my preſent cace, and not only my owne conſcience, but alſo the very proceſſe ledd againſt me by the contryvers of my death, may be a teſtimony ſufficient for all upright mynded men, that how guilty foever I acknowledge my ſelf to be in other effects of my owne frailty, neither have I offended God Almyghtie, nor violated the lawes of Scotland in doing that which I have beene adjudged to ſuffer for; which moveth me, without refenting this prejudice of myne, to proffer ane exhortatioune to you not to permitt yourſelves to be ſeduced by erronious doctrine, nor by the example of what men

ſoever, for giving that obedience that is due to our ſacred Soveraigne, that ye will remember how this kingdome bleids and fents already, and that ye will nocht bring any more miſchiefe to it, by your adherents to any illegall or unjuſt procedor in this preſent kirk or ſtate, which ar both of thame I feare marching too farre in ane wrong way. I put no doubt but moſt parte of you have theſe ſame intentiounes that I propoſe, wherefoire I ſhall only crave in my behalfe the prayers of thoſe amongſt you that ar of this opinioune, without defyring theſe of other perſounes whoſe ſpiritts may perhaps be otherwayes inclyned.

XXVI. Licence to John Lord Fleming. 1646.

Sanct Andrews, 9th February 1646.

The Committie of proceſſes and moneyes do heirby grant liberty and warrant unto Johne Lord Fleming, to repair home to his owne dwelling houſe, becauſe James Earle of Calander is become cautioner for him That he ſhall appeare befor the ſaid Committie of money and proceſſes at Lithgow or wher it ſhall happin them to be for the time, upon the eight day of March nixt, and for his good beheaviour in tyme cuming, under the paine of fiftie thouſand punds.

XXVII. Act in favour of John Lord Fleming.

Edinburgh, 18th June 1646.

Forſameikle as, by decreit of the Committe of proceſſes and money, John Lord Fleiming was decerned to pay to the generall Commiſſary, or his deputs, for the uſe of the publict, the ſoume of ſex thouſand and four hundreth punds, as an fine impoſed upon him for his delinquency, at the termes ſpecifeit in the ſaid decreit, with declaratioun that three parts of the ſaid fyne being payed, the ſaid Committie wold grant deductioun of the fourt part therof, for the ſaid Johne Lord Fleeming his debt, in reſpect he then made faith upon the treuth therof, as is given up by him in his inventar, with declaratioun alſo that he ſould have deductioune for ſuch troup horſes, foote, dragounes and others, conform to the act of Parliament, as hes bein put furth by him for his delinquency, the ſamyn being ſufficiently inſtructed out of the ſecund termes payment of the ſaid fyne: And incaice it ſould be fund to exceid the ſecund termes payment of his ſaid fyne, in that caice to be deduced out of the firſt termes payment of his fyne, as the ſaid decreit of the eight of Aprile laſt beares. And the ſaid Committe haveing fund (conforme to the accompt therof) als much inſtructed given out by the ſaid John Lord Fleming, for trouping horſes and others mentioned in the accompt therof, as will exhauſt the wholl fine abovewritten impoſed upon him for his delinquency, doe therfor diſcharge the ſaid Johne Lord Fleeming of the ſaid fyne, ſpecifeit in the ſaid decreit of the date abovewritten. *Extractum per me,*

JA: PRYMEROSE.

XXVIII. Rental of John Lord Fleming. 1646.

The Lord Fleming his Rentall, given up be him to the Commiſſioune for the proceſſes.

Item, he declaires that he hes not the poſſeſſione of any lands or teinds of my Lord his fatheres eſtate, except onely twentie chalders victuall payed to him of the eſtate and lands lyand about Bigger, within the ſhyre of Cliddiſdaill, quhilk is allowed upon him be his father for keiping his purſe and buying his cloathes, and his father is obliedged, and doeth ſtill intertein and keip him and his lady, their childrein and ſervands, in family with himſelf, and hee doeth not intromett or meddle with any more of the eſtate but the forſaid twenty chaldir victuall.

Item, he declaires he has no caſuall rent at all.

Item, he hes no money awand to him be band or utherwayes, either in his own name or ony uthers to his behove.

Item, he hes no moveable goods or geir that can fall under eſcheat.

Item, he declaires that he is provyded be contract of mariage to ſome of his fathers eſtate, bot hes poſeſſione of no moir bot the twenty chalderis victuall above writtine; and for the rentall of that which he is provyded unto, he declares he cannot give up the ſamyne, never haveing had poſſeſſione therof, bot ſtill remaining in his fathers poſſeſſione; and to his certaine knowledge, both that whilke be contract he is provydit unto, and the reſt of the eſtate, is affectit with great burden of debts, both really to creditouris and for proviſione to chil-

dreine. And for his own eſtate, he declares that he was put to the charges and expence, and borrowed twenty thouſand pound, whilke he beſtowed upon and for the publict ſervice, be out reicking himſelf ane colonell at the firſt two expeditions, be buying of armes and uther neceſſre furnitour for his regiment, and was payed out be him to his officeris and regiment at ſeverall tymes, and for his owne paye charges and expenſſe at Newcaſtle, in the haill tyme that the armie lay firſt ther, he haveing never receaveit any money at all, as will be cleared be the generall Commiſſaris compts.

This is by and attour the charges expenſſe and pay of a garifone of forty fouldieris, with a captaine and lieuetennent lying ſtill in the houſe of Boghall of Bigger, ſince the fourteinth day of September laſt, intertained onely upon his portione and his fathers eſtate and rent there; and by and attour very great foumes dew for quartering and plundering in and about Bigger and Commernald, in my Lord his fathers lands, ſince the forſaid forteine day of September, as ſalbe made good and inſtructed befoir the Committee for loſſe; all publict ordouris being obeyed and monthly mantainance payed, and twenty horſemen of trouperis and dragounners, with forty aucht foot ſojouris being out reicked and put furth be my Lords rent and eſtaite, ſufficientlie armed and mounted, ſince the faid fourteine day of September laſt bypaſt.

13 horſmen at 320 merks a peice	.	4160 mk:
7 dragouners at 100 lib. a peice	.	1050 //
98 foott ſojours for clothes arms and ſyftein days proviſioun at lib. a peice	.	2880 //

XXIX. Informatione for Sir Robert Spotswood. 1647.

He, haveing bein taken prifoner in the field of Philiphaugh by ane officer of the Earle of Lanerks, of whom he had firft quarters given him, and therafter was brocht to the Earle himfelf, who ratified the fame by his humane and curteous cariage toward him, whairby he had reafone to thinke himfelf fecuired of his lyf; yet now, befyd his expectatione, being callit in queftione therof, he hath recourfe to the benefite of quarters, allowed and keiped inviolablie in all nations, and by non mor then the Englis prefentlie in armes againft one another, for the fame caufe it hath devided us in this kingdome; and is confident that the unqueftionable law of armes will not be violated in him, that is prifoner to fuch a nobleman, fince other officers of the fame armie have brocht off the prifoners they granted at the fame tyme, thinking themfelves (as they war) engadged in honnore to do the fame.

Reafones for granting of Quarters.

1. By the law and receaved cuftome of all nations, wher warre is not turned in a doumericht boucherie, ther be *Jura belli* held facred and inviolable, wherof the mayne one is *captivis parcendum*. This was the law of the Romans Lacedemonians and all other warrlike nations, as is clear from hiftorie and wryters *de jure belli*, in all chriftiane kingdoms it is and ever hath bein keiped inviolable. Onely in the begining of the warres betwein the Swedes and Ruffians, they wer both

ſo full of animoſitie that they refuiſed quarters to on another, bot it was not long or they found the great inconveniency therof, and were forced to acknowlege the neceſſity of it. This univerſall law of all nations is founded not onely upon commone equitie, bot upon the ſpeciall equitie of ane expreſſe pactione wher ane capitulatioune is made; ther [is], wher there is no expreſſe capitulatioune, preſumed pactione; *nam qui hostem interficit sed capit videtur velli illum vivum habere, et capto est jus ex tacita pollicitatione ne possit postea interfici.*

2. This unhappie warr amongſt us being occationed principallie out of reſpect to the Englis Parliament, it wold ſeim that thair example ſould be a ſtrong inducement to uſe the ſame moderatione towards our priſoners, which they do towards theirs; and it cannot be inſtanced that ever any priſoner, dureing theſe warres in England, have bein drawine in queſtione of his lyfe for ſydeing with either partie.

3. Scripture itſelf confirmeth this law and practice moſt clearely, 2 Kings chap. 6, where the Cyrians being ſtrucken blind, and brocht captives by Eliſcha the king of Iſraell within Samaria, the king inquires at the prophet whither he ſould ſmyte them or not, who anſwered *negative*, Wold thou ſmyte theſe whom thou taks captives with thy ſword and thy bowin the field? therfor farre les is it lawfull to kill them whom thou haſt gottene in thy power by ſuch a ſtratageme. So both Tremellius and Diodati interprets this paſſage in their annota-

tions upon it. Secoundlie, The peace and league, which Joſhua made with the Gibeonits to let them lieve, was faithfullie obſerved, though it was obtained by couſinage, and was expreſſe contrarie to Godis command given in the 7th Deutronomy, that when he fould deliver the inhabitants of Canaane into their hands, they fould make no covenant with them bot deſtroy them utterly. Thirdlie, In the civill warre betwixt the Iſraelits and the Benjamites, notwithſtanding that it was undertaken by the Iſraelits for a moſt juſt cauſe, and that they had bein michtily provocked by two great overthrowes they receaved, yit ther revenge went not further then againes ſuch which they could overtake in the field. The reſt that fled to the Rocke Rimmone had faire quarters given them, and accommodatione of wyves and uther things, notwithſtanding of the oath of the whole congregatione to the contrarie. Fourthlie, In the warre betwixt David and Iſhboſheth, after Abner and his people wer beaten, thoch in the flicht Abner had killed Aſaell, yet upon his demand he and his men had fair quarters from Joab, and wer ſuffred to go away, being moved by theſe words, Sall the ſword devoir for evir? knowis thou not that it will be bitternes in the latter end? how long ſall it be then or thou bid the people returne fra following ther breitherine? Theſe may ſuffice both the lawfullnes and expediencie of quarters out of Scripture.

4. It hath bein practeiſed among ourſelves hithertill, and exchange hath bein made of diverſe perſons befoir this, ſo that it micht be thocht ſtrange to deny the ſame now to the pri-

foners in hand, ther haveing bein no publict difcharge of quarters in tyme comming intimated befoir.

5. The dangerous confequence wold be confiddered if quarters be denyed to us, ther being a powerfull enemie ſtill affoote in the countrey, whofe fortune it may be at ſumtyme heirafter to have anie of thofe that ar againſt him in his power, the hazard of warre being ambulatorie, as our owne experience may teach us.

Anſwers to the objectiones made againſt quarters.

Objectione 1. However it is the cuſtome to grant quarters when one natione is againſt another, yit it ocht not to be given to them that ryſe againſt the countrie, as I have done.

Anſwer. The right of quarters is founded upon the commone law of nations and warre, which hath force evrie wher; *jus enim gentium omni humano generi commune est.* Neither is the faid law limited to the cafe of a nationall or forraine, bot hath place *in omni bello*, whither forraine or inteſtine, and in this with greater reaſone then in any uther, becaus ther ar moe and greater tyes of humanitie amongſt thofe who ar ingadged in civil diſtractione, then betwein forraine enemies; and ſuch ar not called *hostes* bot *adversarii*, for this reaſone, *quia in civilibus dissentionibus quamvis sæpe respublica lædatur, non tamen in exitium reipublicæ contenditur*, as the law faith.

Obj. 2. I was not taken *in bello*, bot in ane inſurrectione, and ſo fould not have the benefite of quarters.

Anſ. I cannot be ſaid to be taken in ane inſurrectione and not *in bello*, ſeing inſurrectione [in the] notion and definition of law is properlie when, in tyme of a happie peace and harmonie betwein a prince and the collective body of his people, private and factious men, for ther owne ends and deſignes, *plebem contra rempublicam colligunt*, as Sheba the ſonne of Bichri did againſt David; bot when ther is a diviſione betwein a prince and his people, it was never heard of that his adherents wer ſaid to have made ane inſurrectione againſt ther countrey. For clearing this point I will not inſiſt upon forraine hiſtories, that in the civil warrs in France and the Low countries, *omnia jura justi belli* wer keiped, wherof that of quarters was a maine on, bot will deſire to be remembred what moderatione hath bein uſed in tyme of the lyke civill diſtractions in this kingdom, by our predeceſſors dureing the conteſt King Robert the Bruce had for this croune. Moſt pairt of the nobilitie and countrie ſyded with King Edward of England, and therfor juſtlie might have bein ſaid to have taken armes againſt ther countrey, yet for all this King Robert, haveing taken diverſe of them priſoners, *dimisit omnes humaniter habitos*, ſaith our Buchanan. They who ſyded with King James III, and wer at the field of Sterling, wer not accompted enemies to the countrie, but, [in] parliament 1. act 3 and 5, James 4, ar ſaid onelie to have bein of another and of ane ill opinione, nether wer ther any uther rigor uſed againſt any of them. The like moderatione is to be ſein in the tyme of the troubles under Quein Marie, and the begining of the reigne of King James VI.

Obj. 3. If quarters be fufteined, the whole nationc, and eſpeciallie the Eſtates of parliament, will be guilty of the breach of the Covenant, and of ther oath in parliament anent the profequutione of malignants.

Anſ. Though the oathes of Covenant and Parliament obleige the takers to diſcover malignants, that they may be brocht to tryall, yet they do not prejudice thoſe who ar called in queſtione of ther lawfull defences, competent to them by the law of nations, as that of quarters, nether do they obliedg the judges to repell ſuch offences. Secoundlie, the practice of the Eſtates, in ſome particullar cauſes, doth evince that they thinke not themſelves ſo limitated by the ſaid oathes; becaus they have befoir this condiſcendit to the exchange of diverſe priſoners, and have diſmiſſed others that wer in the like conditione with me, being takin in the field, for which practices, being foundit upon the law of nations and good conſiderationes now I hope will charge the Eſtats with perjurie and violatione of ther oath.

Obj. 4. By this means impunitie may be granted to delinquents by any private man.

Anſ. The queſtione is not of impunitie, bot of quarters granted by the law of warre and nations, which was authorized and approven by the Lieutennant Generall the day of conflict, in ſo farre as he gave no command diſchargeing quarters to be given in generall, bot onely diſcharged any to be given to the Iriſhes, which exceptions of the Iriſches militates in favour all others not excepted, *quia exceptio format regulam non exceptis.*

Obj. 5. To meit that paſſage, 2 Kings chap. 6, it is ſaid that it mentioneth a cuſtome of the Kinges of Iſraell which of it ſelf was not allowable, being reproved by the ſpirit of God in the caſes of Agage and Benhadad.

Anſ. There gloſſe is contrarie to the expreſſe words of the text, which containes a queſtione moved by the king of Iſraell unto Eliſha, whither he ſould ſmyte the Syrians or not, and a negative anſuere made by the prophet, that he ſould not, fortified with ane argument, they that ar taken in battell ſould not be killed, *ergo*, far les they that ar come in thy hands by this miracle; which ſould have been ane ill argument if the antecedent had been foundit upon a bad cuſtome: neither can it be thocht that the prophet wold make uſe of ane ill cuſtome, to inferre a good concluſione; and that it was not onelie the cuſtome of the kings of Iſraell to ſpaire captives, bot ane univerſall and ancient cuſtome of nations, it is evident not onely from inumerable paſſages of hiſtorie in the civill law, but from the 14th Geneſis wher thoſe that wer taken by Chedorlaomer wer takine captives, and carried away with Lott.

To that the ſaid cuſtome is reproved in the caſe of Agag and Benhadad, it is anſuered, that ther is a great diſparitie betuixt ther caſe and oures, in regaird they wer incapable of quarters, becaus of Gods expreſſe command to deſtroy them both, ſo that ther was ane extraordinarie caſe of perſones by Gods appointment devoted to deſtructione. In Agag's caſe it is undenyable, the text is ſo cleir for it, and even in Benhadad's it is no les cleir, although the command be not ſo expreſſe, by the wholl context of that 20 chap. 1 Kings; for the prophet, to convince

Achab for leting go Benhadad, propoſeth a ſupoſed caſe of a man that had brocht to him a priſoner, and ſaid keip this man, and that upon conditione if by any meanes he ſould be miſſing his life ſould be for his; in which caſe ther was ane expreſſe charge given to keip the priſoner, and not to let him go, which moſt be underſtood likewayes in the trew caſe of Benhadad, otherwayes ther ſould not be a paritie betwein the tuo caſes. Againe when the prophet told Achab that he had let go a man, whom God had appointit to utter deſtructione, Achab micht have had ane eaſie ſhift and evaſione, if Gods will concerning Benhadad had not bein knowen to him, to have ſaid that he had got no ſuch charge from God.

It is hard for us in this conditione that ſuch arguments ſould be brocht (extraordinary caſes of blaſphemous pagans, devoted and anathematized by God) and enforced upon people at ſuch tymes and places wher we cannot make anſwer; wheras it cannot be evinced, by anie one place of Scripture, that ever any rigor, bot all gentlenes and moderatione was ſtill uſed, in tyme of civill diſtractiones, without eſteeming ſuch as was not of ther opinione enemies to God and ther contrie. In that civill warr betwein David and the houſe of Saull, when Iſhboſheths people wer put to the worſe, Joab did not exhort them that wer with him to purſue eagerly ther adverſaries as Gods enemies, bot bid them returne from following ther bretherine, and David himſelf calleth Iſhboſheth (though the head of that factione againſt him) a richteous perſone. Likewayes when it pleaſed God to ſend deliverance to his people, it was not conceaved that ther was a neceſſitie to divert Gods wrath,

by proceiding in rigor againſt thoſe that had fallen in ther hands, bot in the contrary David in that great victorie againſt Abſolome, being preſt to that purpoſe, anſwered, Sall ther any man be put to death in Iſraell? And Saull after his victorie againſt the Amonits, when the people urged that they ſould be put to death, who had bein againſt Saul, and ſaid that he ſould not be king, he anſwered, Ther ſall not a man be put to death in Iſraell this day, for to-day the Lord hath wrocht ſalvatione in Iſraell.

Obj. 6. Quarters cannot be granted to me in particullar, becaus I ame excepted in the propoſitiones of peace.

Anſ. The ſaid propoſitions ar not a poſitive declaratour of my incapacitie and exceptione incaiſe of peace, bot onelie containes the deſires of the Eſtates to the King, which may be altered upon ane mutuall condiſcending betuixt him and them; and the ſaid exceptione is onely to taike effect againſt ſuch as ſould be proceſſed and condemned, and therfor it is to be underſtood without prejudice of ther lawfull deffences, and namelie that of quarters, ſince by no act of parliament, nor by the ſaid propoſitione it is declared that they who are excepted ſould be incapable of quarters, or of the benefite of the law of nations; and that this was not the intentione of the Eſtates of either kingdome it is conſtant by their practice, for notwithſtanding of the ſaid propoſitione containing the ſaid exceptione, ſome of theſe who are excepted have bein exchanged, as the young Lard of Drume with us, and Colonel Goring and uthers in England.

XXX. Instructions to Sir William Flemyng. 1 May 1648.

1. You ar defyred to repreſent to the Queene's Majeſty, and to the Prince his highnes, the many difficulties and oppoſitions we have meet with, ſince the returne of the Scotch Commiſſioners from London, in carrying on the ingagement of this kingdome for his Majeſties refcue, and from what parties and perſonnes they have proceeded, and upon what pretences.

2. You ſhall ſhow how notwithſtanding all theſe impediments, by a hearty conjunction of the much greateſt part of the nobility, the Commiſſioners of ſhyres and borroughs in parlament have voted the breaches of the Covenant and treaties, which ar the ground of our ingagment, and have emitted and commandit to be printed this declaration, the grounds whairof you ſhall ſhow, and the reaſons of the complayance theirin, with the defyres of the commiſſioners of the Generall Aſſembly.

3. You ſhall ſhow how this kingdome is ordered to be put into a poſture of armes, collonells apointed, and committies of warre named through the whole ſhyres; and that our demands to the Ingliſh Parlament conteaned in our declaration ar gonne, and dayes limitted for the meſſengers ſtay at London, and that we ar reſolved not to admitt of any treaty upon the demands, but to indeavor to gett a good army together againſt the tyme the meſſenger is to returne.

4. You ſhall ſhow the maner of ceaſing Berweak and Carleill, how that we upon that occaſion ar reſolved this week to give out orders for reaſing our army, and in the meane tyme to command the army we have now a foot to draw towards theſe places, to be rady upon all occaſions.

5. You ſhall repreſent our moſt humble and earneſt deſyres that, ſeing all may now judge of the certainty of the ingagment of Scotland for the Kings reſcue, his highnes the Prince would be pleaſed to prepare himſelf with all ſpeed to come to Scotland, according to many aſſurances we have had of their Majeſties and his Highnes gracious inclinations to that journay, which would infinitly advantage the Kings ſervice, and give lyf to all our actiones, which otherwayes will meet with exceeding great difficulties, and that we may immediatly be advertiſed to what place the invitations neceſſary ſhall be adreſſed.

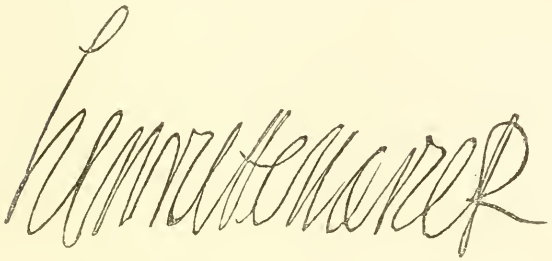
6. You ſhall ſhow the great neceſſities we ar driven to for want of money armes and ammunition, and therfore erneſtly deſyre that what is rady may be immediately ſent to Lieth with out any delay, for our army will be together before it can come.

7. You ſhall ſhow our great want of ſhiping, wheirin a great ſtrenth of our ennimies conſiſt, theirfor in our name humbly beg of the Quene and Prince that, by their authority and mediation, we may [be] ſupplied with ſhips as ſoone as is poſſible, from France and Holand eſpecialy, or any other of the Kings friends and allies; that ſhips may come to the firth of Lieth, and

in the meane tyme that orders may be ſent that our marchants ſhips be no more troubled with Iriſh, or any of theirs.

HAMILTON.	LAUDERDAILL.
CRAFURD-LINDSAY.	LANERICK.
ROXBURGHE.	CALANDER.

XXXI. Instructions from her Majesty and his Highness the Prince of Wales to Sir William Fleming. 13 June 1648.



1. You ſhall acquaint the ſix Lords, from whom you came inſtructed to us, and ſuch of their freinds as they ſhall direct you to communicat the ſame unto, with the great ſatiſfaction and contentment wee have in their loyall and faithfull proceedings for his Majeſtie's reſcue, as likewiſe the intire confidence wee repoſe in them, that notwithſtanding the oppoſition and difficulties they have met with, they will not deſiſt from that their engagement for his Majeſties reſcue, untill by the bleſſing of

God on their endeavours, with the aſſiſtance of his Majeſties loyall ſubjects in England who ſhall joyne with them, his Majeſty ſhall be reſtored to his liberty, regal power and juſt rights.

2. You ſhall aſſure them that wee are much encouraged and confirmed by thoſe their proceedings in our former inclinations, concerning the Prince his repaire to them, to the ends mentioned in their fift inſtruction to you, and that accordingly with all convenient ſpeed hee will remove from hence to Holland, there to receive the invitations and aſſurances mentioned in your inſtructions and their letters to us.

3. You ſhall further advertiſe them that wee, well weighing the preſent condition of affaires in the kingdome of Scotland, doe not think fit to make any publick demands concerning thoſe publick aſſurances mentioned in your letters to the Prince, but ſhall wholy recommend the ſame to the care and endeavour of them and their friends, not doubting but the wiſedome and good affection of that kingdome will conſent to paſſe ſuch acts as may invite the Prince to them, with honour freedome and ſafety, and in that quality when hee ſhall bee in armes with them, as will be moſt ſuitable to his relations in that kingdome.

4. You ſhall forthwith repaire to Amſterdam, and there ſhall demand and receive of Mr Webſter the armes and amunition provided for you by our order, amounting to the valew of ten thouſand piſtols returned to him by us for that purpoſe, and the ſame you ſhall with all ſpeed cauſe to be ſhipped into ſuch

a veſſel of warre, as ſhall bee appointed by the Prince of Orange to convoy you and it to the frith of Leith, and there you ſhall deliver the ſaid armes and amunition to ſuch officers as Duke Hamilton, Generall of the Scotiſh army, ſhall appoint to take the charge thereof.

5. You ſhall acquaint the ſaid Lords with the orders which the Prince of Orange ſhall give to the captaine of ſuch man of warre, whereby they may make uſe of that opportunity, if they ſhall ſoe thinke fit, to convoy into Holland ſuch perſons as ſhall bee appointit to bring unto the Prince the ſaid invitations and aſſurances.

6. You ſhall further acquaint the ſaid Lords from us, that wee ſhall employ all our intereſt with our freinds in Holland and elſewhere, to aſſiſt them with ſhipping for the defence of thoſe ſeas, as they deſire, and if the captaines and mariners of any of the Kings ſhips ſhall bee prevailed with to returne to their allegiance, (of which wee have good hopes) they ſhall be commanded to attend that ſervice, and wee ſhall particularly direct the Marquis of Ormond, who is forthwith to repaire to Ireland, to endeavour all that poſſibly hee can to procure the ſecurity of the Scotch merchants and their ſhips from the Iriſh frigates, as is deſired.

Charles R

XXXII. Additional Instructions to Sir William Fleming from her Majesty and his highnesss the Prince of Wales. 13 June 1648.

HENRIETTE MARIE.

You ſhall acquaint the ſix Lords that, though wee are fully ſatiſfied by the account you give us, that the only cauſe of the inſerting into the declaration of the Parliament of Scotland ſome particulars, differing from the agreement in the Iſle of Wight, was the violent oppoſition of the adverſe party, which neceſſitated them to complay ſoe farre as might enable them to carry on to perfection their deſſigne for his Majeſties reſcue, yet wee deſire that it be clearly underſtood, and agreed to by them:

1. That the intention is not to vary or recede from that agreement, but on the contrary mutually to continue firme and ſteady to the ſame, in all the particulars theirof.

2. That all perſons of his Majeſties party may have liberty to attend the Prince when hee ſhall bee with them.

3. That hee may bee in full liberty to remove his perſon to any other parts of his Majeſties dominions at his pleaſure, when and whither hee ſhall think fit.

4. That hee may have liberty to conſult and adviſe with, as his counſell, ſuch perſons as hee ſhall think fit to call unto him to that purpoſe.

5. That his ſupport bee taken into due conſideration.

6. That the Covenant bee not preſſed upon the Prince, nor any of his company.

7. That whilſt the Prince ſhall reſide with the Scotiſh army in England, hee and his family may enjoy the free liberty of divine worſhip, in ſuch manner as hee hath binne accuſtomed unto, and doth here obſerve.

Theiſe particulars thus agreed to by them, and ſuch of their freinds as they ſhall think fit to impart the ſame unto, out of the entire confidence wee repoſe in them, wee ſhall fully reſt ſatiſfied with ſuch their private engagement to us concerning the ſame.

CHARLES P.

XXXIII. The Engagers to the Queen. 4 Aug. 1648.

Edinbrugh 4 Aug. 1648.

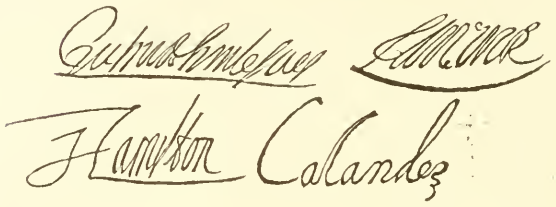
May it pleaſe your Majeſtie,

Wee are ſo fenceble of the favorable acceptence you are pleaſed to afforde our labors in his Majeſties ſervice, as it may eaven ſeame to leſſen our loyalties, and ſolly chalenge from us all our endevours upon your Majeſties owne intereſt; bot haveing thoſe double incitements of loyaltie and gratitude to invite us to purſue our deuties to both, certainly Madame wee will ſoonner periſh than ever faile to ather. This aſſurence your Majeſtie will more fully receave from the Earle of Lauderdaill, who hath bein one of the moſt eminent actors in engageing this kingdome in ther preſent undertakeings for his Majeſties reſcue and reeſtabliſhment, with our humble ſence

of all the particulares repreſented to us from your Majeſtie by Sir Williame Fleaming, wherin wee have faithfully ſtudied to ſerve your Majeſtie, as wee ever ſhall in all the commands wherwith you ſhall think fitt to honor,

Madame,

Your Majeſties moſt humble, moſt obedient, and moſt faithfull ſervants,



XXXIV. Memorandum of Private Instructions from James Earl of Calendar. 1648.

The Earle of Calander with his friends and followers, who have ever caried ane loyall and affectionat inclination to his Majeſtie, with out any by reſpect, did firſt ſend Lieutenant Collenel Robert Ker of Itell, and therafter Mr Androw Ofwald to his Majeſtie after his parting from Newcaſtle, to expreſs there affections to his Majeſties ſervice, and receave his commands for their cariadge in the future: and therafter when the Chancelour, Lauderdaill and Lanrick wer ſent to his Majeſtie, Calander, with advice of his friends, did volun-

tarly undertak ane voyage in perſoune, for his former ends of ſhowing to his Majeſtie their deſyrs to doe him ſervice; at which tyme Calander had the honour to expreſs their deſyrs to his Majeſtie, who gratiouſly accepted of the ſame.

The firſt act then was to mak ane right choyſe of Commiſſioners for the ſhyrs and boroughs of the Parliament, (ane matter of great difficulty and importance, conſidering the diſpoſition of people and power of the adverſe party at that tyme) wherin the caire and paines of Calanders friends had ſo good ſucces, that, notwithſtanding the labours of great men to the contrary, the Parlament is gotten well conſtitute of members rightly diſpoſed in the full major pairt towards his Majeſties ſervice, much otherwayes then it hath [been] theſe ſeiven years bypaſt. And whair, through the factious dealing of ſome great men, double elections were made in many ſhyres, of perſounes diverſly compoſed, theſe were only admitted in Parlament who were knowne to be of ſtrongeſt affectioune to his Majeſtie, and the others rejected. That thier be two parties who haif diverſe intereſts, the one who theſe yeares bygane had the gouvernment of the kingdome, both in church and ſtate, and ſo engaged to the churche that, without apparent prejudice to them both, can not devyde, and therfor oblidged to ane greater ſtricknes of combinatione; the other pairty, ſtrong in thair friudchip in the country, yet ſecludit from the power of managing publick affairs, as not being acceptable to the churche (who had the ower ruling power), did profeſs lairgly and haith bien active towards the Kings ſervice. Bot Calander and his

friends, joyning to nather pairty, acted ſo farr as they profeſſed realy for his Majeſty, out of the dept ſenſe of their deutie to thair maſter nixt to religioune, made them ſelfs ſo conſiderable upon the knowledge of the integritie of ther ends, that, by joyning to any of the pairties, they were able to caſt the ballance; and thairfore ſeing one of the parties ſeriouſly to endevour the advancment of the Kings endis, did heartily joyne with them: and theſe two, being joyned, hath caried all buſſines in Parlament, though not ſo well as they would wiſſe, yet as well as was poſſible conſidering the oppoſitione of the churche and that pairty, and their influence upon the people, who moſt receave ſum ſatiffactioune, eſpecialy in matteris of religion.

That albeit Calander ſent and went to his Majeſtie, and hath done, and be ſo conſtantly reſolved to doe good ſervice, yet he hath no cypher from either of their Majeſties, wherby they may communicat to him their ſecrett commandements, therfor to remidie this that ane cypher be ſent from the Queene, and ſum marke of truſt for incuragment.

That the names and actions of theſe who are of his mynd may be made knowne to the Queene and Prince, and their true fidelity repreſented, and that Sir William will lett them at his returne, gif their ſervice be acceptable, and gif the Queene and Prince will lay any commandements upon them for their cariadge in the future.

That the Queene and Prince will impairt what is the fur-

theſt latitude they will allow, for the Princes ſuearing and ſubſcryving the Covenant.

That they will lett know their particular directioune who ſhall be Generall of the army, and captaine of the Princes lyfguard.

To ſhow what great projects hath bein for obſtructing all buſſines, by the proteſtations, declarationes, ſupplicationes from the Commiſſioners of the churche, from all provinciall ſynods, and what plottes both for ingaging the barrounes at the meetting of Taylors hall, and through out the country; bot eſpecialy to draw the army unto ſome oppoſition, and diſtract the Parlaments proceedings. And to ſhow how all theſe ar paſſed by, and that of the army removed, and the armie brought to good behaviour and aſſurance, by the wiſdome and travaill of that noble and worthie gentlman Generall Major Middletone, who deſerves that ſpecialy notice ſhould be taken of him, and ane particular letter written to him by the Queene and Prince.

That it is earneſtly begged that the Prince would be pleaſed to be ready to come to Scotland upon invitation and aſſurance, as ane buſſnes abſolutely neceſſaire for careing one the work, whoſe preſence will remove moſt difficulties hier, and incourage all faithfull ſubjects, and diſcourage the others.

That ane particulare letter be writtin from the Queene and Prince to Calander, and their commands ſent to him, which will ſatiſfie for all his friends and followers.

XXXV. Instructions for the Earle of Cassills, the Laird of Brodde, and Alexander Jafrey. 1650.

1. You ſhall with all poſſible diligence repaire to the Kings Majeſtie, deliver our leters, ſhow your commiſſione, and tell the trew reaſons of your not ſooner coming to his Majeſtie.

2. You ſhall ſhow his Majeſtie, that as this kingdome was not wanting in thair faithfull councell to his royall father, for preventeing the dangers which wer then feared, and have ſince fallen out to our greatt greife, ſo did they, with all caire and faithfullneſs, contribute thaire utmoſt endevours for preſervatione of thair late Soveraigne, as thaire inſtructions, letters, declarations, and ther commiſſioners papers can wittnes.

3. You ſhall ſhow his Majeſtie with what unanimity, alacritie, diligence and ſolemnitie, the Parliament did acknowledge him King of Greatt Brittane, France and Irland.

4. You ſhall ſhow his Majeſtie that his fathers oppoſitione to the Covenant, and worke of reformatione, was the cheife cauſe of his and the kingdomes troubles.

5. You ſhall ſhow his Majeſtie how unacceptable the enemies and oppoſitts of the Covenant and worke of reformatione are to this kirk and kingdome.

6. You ſhall communicat to his Majeſtie the act of the 11th of February inſtant, as that which conteins the neceſſary ſatiſfactione which is defyred and expected from his Majeſtie, by this kirk and kingdome, for ſecureing religione and the peace of the kingdome, and for gaining not only the outward obedience, but alſo the inward affectione of all his good people to his royall perſone, authoritie and government, after ſo greatt diſtractions and troubles, and notwithſtanding the appeirance and apprehenſions of new ſturrs and dangers. Lykwayes you ſhall, by all the good reaſons you can think upon, perſuade the Kings majeſtie to give the ſatiffactione defyred, heartily and ſpeedily.

8. If his Majeſtie upon thoſe grounds reſolve to come hither, his Majeſtie wold be pleaſed to leave all thoſe perſones who are excluded by the propoſitions of both kingdoms, or againſt whom this kingdome have ever juſt cauſe of exceptione; and declare that in matteris civill hee will follow the councell of this Parliament, and ſuch as are or ſhall be authoriſed by them, and in maters eccleſiaſtick the councells of the Generall Aſſembly, and ſuch as are or ſhall be authorized by them.

9. You ſhall deliver our letter to the Queene of Bohœmie, to the Prince of Oringe, and the Princeſs royall, and you ſhall deſyre them to interpoſe, and make uſe of thaire aſſiſtance to move the King to give ſatiffactione as is above ſpecified.

10. You ſhall lykwayes deliver our letter to the Eſtates of

Holland, and ſhow them how ſenſible wee are of thair reſpects to our King, and our deſire to enterteine all freindſhip and amity with them; and you ſhall both deall with the Prince of Orange and with them, for a ſafe and honorable convoy to his Majeſtie to this kingdome.

11. You ſhall ſhow his Majeſtie the great dangers and irrepairable loſſes which muſt inevitablie enſue, upon his delay or refuſall of the ſaid deſyres, for by delayes his enimies will bee encuraged and ſtrengthened, and the people be forced to coutch under thair burthenes and ſubmitt to thair yoke, deſpaireing of any meanes of releaſe or deliverance; and then redreſs will bee more difficult, and opportunity once loſt cannot bee recovered. The neglect of opportunities which wer frequently offerred, and not taken on by his royall father, as may be evidently inſtanced, was the cheife cauſe of his and the kingdomes troubles, and proved ſad and fatall at the laſt; and the ſooner his Majeſtie beginns to move that way which may be acceptable to God and man, and offer to ſetle religione and peace, upon theſe grounds claime the right of his government, befor democracy or any new modell of government, under the name of agreement of people, or any other maner or device, be ſetled and take roote, it will bee more eaſſie to mainteine monarchicall government, then to repell and caſt out any new forme of government, after it is once eſtabliſhed and tak roote, and the people habituated therunto. And if now when, by the power and prevalence of ſectaries, and the army in England, that kingdome is almoſt

ſubdued, and Irland in very greatt diſtractione, if his Majeſtie ſhall refuſe to ſatiffie the deſyres of the kingdome of Scotland, eſpeciallie concerning religione and the Covenant, which is the ſtrongeſt bond to ty the ſubjects to thair King, it will weaken all who love government and religione in England and Irland, and whollie diſcourage and diſable Scotland to doe for him, and conſtraine them in ſuch ane extremitie to reſolve upon ſome effectuall courſe by the Parliament, to preſerve religione and the kingdome from ruine and deſtructione. And his Majeſtie granting the foreſaid deſyres will ſo far indeare him to this natione, and aſſure him of thair affectione and duty, as they will not only render to him all that ſubjectione and dewtifull obedience, which can be expected from loyall ſubjects by ther King, but lykwayes to contribute thair utmoſt endevours, by all neceſſary and lawfull meanes, according to the Covenant and dewtie of loyall and faithfull ſubjects, that his Majeſtie may be reſtored to the peaceable poſſeſſione of his uther kingdomes, according to his undoubted right of ſucceſſione. And [as] his Majeſties joyneing in Covenant with God and his people, in ſetling religione, is the ſureſt fundatione of a ſafe and weall grounded peace, ſo it will certanly be the beſt and moſt effectuall to eſtabliſh his throne in righteouſnes. You ſhall concur and be aſſiſtant to the Commiſſioners of the church in purſuance of thair inſtructions, taking thair advice alſo in manageing yours, eſpeciallie thoſe thinges relating to religione.

12. If the Kings Majeſtie be willing to give ſatiffactione to

this kingdome, you ſhall deſyre him to recall all commiſſions iſſued furth for acting any thing by ſea or land, to the prejudice of the Covenant or this kingdome, or to the prejudice of any who doe or ſhall adhere to the ſolemne Legue and Covenant and monarchicall government, in any of his uther kingdomes. *Signatur*,

LOWDONE Can. I. P. D.

XXXVI.—Instructions for Sir William Fleming. 13 May 1650.

Inſtructions for our truſty and welbeloved ſervant Sir William Flemyng, Knyght.

CHARLES R.

1. You ſhall with all ſpeede repaire to Orkney, or to the place of Scotland where the Marquis of Montroſe now is, and ſhall deliver him our letters both publique and private.

2. You ſhall let him know that, upon a juſt conſideration of the ſtate of our affaires in particular, and of Chriſtendome in generall, we have been adviſed by all our friends, as well in England and Scotland as in all forraigne parts, to make an agreement upon any termes with our ſubjects of Scotland, as the only probable human means to recover our other kingdomes. We have already endeavoured to procure aſſiſtance from the Emperour, and the Electours Princes and States of the Empire, from the Kings of Spaine France and Denmarke,

and moſt of the Princes and States of Italy, and have obteined nothing but dilatory and generall anſweres: and on the other ſide it is evident that if they were willing to help us, moſt of their owne preſent engagements are ſuch that they can doe nothing conſiderable to our affaires, and the helps they could give us would be of little or no uſe, without ſuch foundation as this agreement.

3. You ſhall lett the ſaid Marquis of Montroſe know that our affaires have beene, and ſtill are for any thing we know, very unproſperous in Ireland; the jealouſies betweene the Engliſh and Iriſh being ſuch as that they will not joyne in a mutuall aſſiſtance of one another, and ſo give the rebells of England an opportunity to deſtroy them both.

4. That we are the rather likewiſe invited to this agreement, becauſe it was evident that the Marquis of Montroſe his undertaking hath not anſwered either his or our expectation, neither in the point of time of his being in Scotland, nor in the ſupplies aſſiſtances and numbers of men we expected; which we impute not in the leaſt degree to any default of the ſaid Marquis, bot to other ill accidents that have diſappointed thoſe helps he had reaſon to expect.

5. That we had reaſon to doubt, that, if the Marquis of Montroſe his undertaking had beene as proſperous as we could have deſired, and that he were ſuperiour in forces to the preſent power of Scotland, that it would have occaſioned them to

ſeek aſſiſtance from the rebells of England, who would have been very ready to give it, that whileſt they fomented a warre in Scotland, they might ſettle their tyranny in England, ſubdue Ireland, and reſerve Scotland, waſted with the warre, as an eaſie prey to themſelves.

6. Theſe, with many others, have been the motives that have perſuaded us to agree with our ſubjects of Scotland; but you ſhall aſſure the ſaid Marquis of Montroſe that we hope, upon good grounds, that we ſhalbe able in a little time to make his peace in Scotland, and to reſtore him to his honour and eſtate, and that we ſhall ſhortlie have an honorable employment for him in our ſervice againſt the rebells of England; and that in the meane time we deſire him to be fully aſſured, that we will provide for his honorable ſubſiſtance, and to that end deſire him to advertiſe us by you to what place he will repaire, that we may adjuſt our correſpondencies with him, and make a ſeaſonable proviſion for his ſupply.

7. Laſtly, you ſhall aſſure him that we hold the ſame value and eſteeme of him that we have ever profeſſed, and doubt not but that he will readily comply with our deſire of his preſent laying downe of armes, in regard that the rebells of England, by occaſion of this treaty, and believing an agreement will follow, are already upon their march towards Scotland, and it wilbe very prejudicial if not ruinous to us, if they find that kingdome diſtracted with another warre within it ſelfe, it being now our intereſt to draw together the greateſt army we

My Lord of Montrose I haue sent this bearer S^r William Flemming expressly to you to informe you of the state of my affaires and to acquaint you with the reasons that haue induced me to an agreement with my subiects of Scotland. I haue likewise commanded him to lett you know how necessary it is for my affaires that you lay downe armes according to my publike letter. you haue giuen me soe many testimonies of your affection to me and zeale to my seruice, that you cannot reasonably doubt of my reall intention to prouide for your interests and restitution with my vtmost care and though I may not be able to effect it for the present yet I doe not despaire of doeing it in a little tyme nor of hauing an occasion to imploy you more honorably and more aduantagiously then in your present designe, in the meane tyme I shall be carefull to prouide a subsistance for you and haue accordingly sent order to Cockeran to pay 10000 Rixdallers to S^r Patricke Drummond to your vse w^ch I am confident he will immediately pay hauing the money in his hands, to w^ch I will make such further addition as shall be necessary. I pray giue credit to what S^r William Flemming shall say to you from me and then you will be fully assured that I am your very affectionate friend

Charles R

Breda the 13/3 of May 1650

can upon the borders of England, not only to reſiſt the threatned invaſion of the rebells, but to take all advantages upon England that may be afforded us by the ſtirring of our friends there, upon the remoove of the rebells army to the north: beſides if he ſhould not redily comply, it might bring us into ſuſpition with our ſubjects of Scotland, as if we did not proceede candidly and uprightly with them; but we aſſure our ſelfe that theſe and all other inconveniences will be prevented by the affection and duty to us of the ſaid Marquis of Montroſe, and by his magnanimity in bearing this change now, aſwell as in adventuring ſoe much before for our ſervice.

Given at Breda, the 13th day of May 1650, in the ſecond yeare of our reigne.

XXXVII. Charles II. to the Marquis of Montrose, [private letter.] 13 May 1650.

My Lord of Montroſe, I have ſent this bearer Sir William Flemming expreſly to you to informe you of the ſtate of my affaires, and to acquaint you with the reaſons that have induced me to an agreement with my ſubjects of Scotland. I have likewiſe commanded him to lett you know how neceſſary it is for my affaires that you lay downe armes, according to my publike letter. You have given me ſoe many teſtimonies of your affection to me and zeale to my ſervice, that you cannot reaſonably doubt of my reall intention to provide for

your intereſts and reſtitution with my utmoſt care; and though I may not be able to effect it for the preſent, yet I doe not deſpaire of doeing it in a little tyme, nor of having an occaſion to imploy you more honorably and more advantagiouſly then in your preſent deſigne. In the meane tyme I ſhall be carefull to provide a ſubſiſtance for you, and have accordingly ſent order to Cocheran, to pay 10000 Rixdollers to Sir Patricke Drummond to your uſe, which I am confident he will immediately pay, having the money in his hands, to which I will make ſuch further addition as ſhall be neceſſary. I pray give credit to what Sir William Flemming ſhall ſay to you from me, and then you will be fully aſſured that I am,

Your very affectionate friend,

CHARLES R.

Breda, the $\frac{19}{3}$ of May 1650.

To our right truſty and right entirely beloved couſin, James Marquis of Montroſe.

XXXVIII. Charles II. to the Marquis of Montrose, [public letter.] 15 May 1650.

CHARLES R.

Right truſty and right entirely beloved couſin, wee greete you well. It hath pleaſed Almighty God to give ſuch a bleſſing to this treaty at Breda, that thereby a right underſtanding and a full agreement is ſettled between us and our ſub-

jects of our ancient kingdome of Scotland. Our will and pleafure therefore is, and we hereby require and command you, not only to forbeare all further acts of hoftility againft any of our fubjects of that kingdome, but alfo immediatly upon the receipt of thefe our letters to lay downe armes, and to difband and withdraw yourfelfe and your forces out of the fame. And becaufe the canon, armes and ammunition, which you received at Gotenberg, may be of great ufe to our further fervice, wee therefore require and command you to leave the fame in Orkney, if they be yet there; but if they be tranfported into Scotland, then to deliver the fame to the fherrif of the county where you are, or fome other fafe perfon by inventory, to remaine there for our fervice, and till we fhall give further order for the difpofing thereof, and for fo doing this fhal be your warrant. Given at Breda, the $\frac{5}{15}$ day of May 1650.

To our right trufty and right entirely beloved couſin, James Marquis of Montrofe.

XXXIX. [Private] Instructions for Sir William Fleming. [15] May 1650.

MS 2077 f. 133

CHARLES R.

You are to adviſe with William Moray when you come into Scotland, concerning any further treaty with Montrofe in order to our fervice, then what your publick inſtructions doe beare.

You are to give Montroſe all perſonall aſſurances of our conſtant affection towards him, and of all thoſe advantages in the way of his fortune, which a faithful ſervant can expect from a gracious maſter.

You are to aſſure all that have ſerved and ſuffered for our deare father, of our thankfull recentment, both of theyr ſervice and ſufferings, and of our firme reſolution (when God ſhall be pleaſed by theyr faithfull indeavours to enable us) to requite every man to the full in his ſeverall ſtation, and you are to deſire them to give credit to William Moray, who comes fully inſtructed in this and other particulares. Given at Breda, May 1650.

XL. Charles II. to the Parliament. 18 May 1650.

CHARLES R.

Right truſty and right welbeloved couſins and councellours, right truſty and right welbeloved couſins, right truſty and welbeloved councellors, and truſty and welbeloved, wee greete you well. Having now given ſatiſfaction to your Commiſſioners, and layd (as wee hope and deſire) the foundation of a happy agreement, and perfect underſtanding between you and us for the time to come, and being reſolved to caſt our ſelfe entirely upon the affections of that our ancient kingdome of Scotland, and to endeavour the good and peace thereof in all things, to the uttermoſt of our power; wee have given order for the diſbanding of thoſe forces lately come from Orkney,

and all who have joyned with them, and for their preſent withdrawing out of the kingdome. And becauſe it much imports both us and the ſafety of the kingdome, that our command therein ſhould be punctually and immediately obeyed and executed, and that nothing will probably more conduce thereunto, than that a neceſſary proviſion be made for the ſecurity of all thoſe that intend to goe away, in their paſſage out of Scotland after they have layd down armes, and their ſtay there untill they can goe, and ſome reaſonable and fitt conditions for the reſt; wee therefore recommend very particularly unto you, to cauſe ſuch conditions to be made for them, as ſhalbe reaſonable and neceſſary to free the kingdome immediatly from thoſe troopes, according to our poſitive and expreſſe order in that behalfe. Given at Breda, the $\frac{19}{29}$ day of May 1650, in the ſecond yeare of our reigne.

To our right truſty and right welbeloved couſins and councellours, our right truſty and right welbeloved councellours, and to our truſty and welbeloved the Preſident and other members of Parliament of our kingdom of Scotland, or to their Committee.

XLI. Instructions for Sir William Fleming. 19 May 1650.

Ms. 2034, f. 37

CHARLES R.

1. You ſhall deliver my letter to my Lord Montroſe, and aſſure him of the continuance of my favor and affection to him.

2. If you find that the prevaling party now in Scotland are not ſatiffied with the conceſſions I have granted to them, that then Montroſe is not to lay doune armes, or if you find that thoſe people doe only treat with me to make Montroſe to lay doune armes, and then they may doe what they pleaſe.

3. In caſe my frinds in Scotland doe not thinke fitt that Montroſe lay downe armes, that then as many as can may repaire to him.

4. You ſhall ſee if Montroſe have a conſiderable number of men, and if he have, you muſt uſe your beſt indeavor to get them not to be diſbanded, in which you are to adviſe with William Murey and whom you ſhall thinke fitt; but if Montroſe be weake, that then he ſhould diſband, for it will doe me more harme for a ſmall body to keepe together, then it can doe me good: howſoever, though they are diſbanded, ther muſt be care had that they may not be loſt, but intertained in other tropes.

5. You ſhall as ſoon as you have diſpached your buſineſs, make all the haſt to me againe you can poſibly. Breda, May the 19th 1650.

XLII. Charles II. to Montrose. 19 May 1650.

Breda, May 19.

My Lord Montroſe, This bearer William Fleming having many things to ſay to you from me, and he being better able

Breda May 19

My Lord Montrose, This bearer Will: Fleming having many things to say to you from me and he being better able to deliver them to you by word of mouth then I can by letter. I have given him full instructions to aquainte you with all the particulars of the treaty. I shall desire you therfore to give full credite to him, and to me that I am and ever will be,

Your most affectionate freind

Charles R

to deliver them to you by word of mouth than I can by letter, I have given him full inſtructions to acquainte you with all the particulars of the treaty. I ſhall deſire you therfore to give full credite to him, and to me that I am, and ever will be,

Your moſt affectionate friend,

CHARLES R.

To our right truſty and right welbeloved couſin, James Marquis of Montroſe.

XLIII. The last moments of Montrose. May 21. 1650.

A note of the ſeverall paſſages concerning Montroſe his carriage after he was broght priſoner to Edinburgh.

The Parliament, being informed that Montroſe was apprehendit, and feiring leaſt his countinance and carraige might gaine him ſome favour among the people, thoght fit to give out thair ſentence agaynſt him befor he cam to Edinburgh; and therefore upon the 17th of May in the morning, they appoyntit a comittie to prepare and give in thair oppinione what was fiteſt to be done with him. Who that ſam fornoone gave in thair report in writ, which was aproven thus; that how ſoone he ſould com to the toune, he ſould be mett at the port by the magiſtratis and hangman; that he ſould be tyed with cordis upon a cairt, bar heidit; the hangman ſould ryd upon the horſe, covered, befor him, and ſo carrie him throw the toune; that he ſould be hanged on a gibbet at the croſs of Edinburgh

till he died, and his hiſtorie and declaratione hanged about his neck, and hing thrie houris tharafter [in] the view of the people; ther after he ſould be heiddit and quartered, his heid to be fixed at the priſon hous of Edinburgh, and his legis and armis to be fixed at the portis of the tonnis of Stirline, Glaſgow, Perth and Aberdeine; and if he repentet, that the bulk of his boddie ſould be burried with pioneris in the Grayfeiris, if not, to be burried in the Boromoore. It is not unworthie of remark that the new Earle of Roxburgh and Mr Cheiſlye, who was knightit at the ille of Wight, and got a penſione quhilk he preſentlie injoyes for his offeris of ſervice to the lat king, were two of the committie who projectet this ſentence. The reaſon of this being tyed to the cart was in hope that the people wold have ſtoned him, and that he might not be able be his handis to ſave his face.

Upon the 18th day, about 4 [in] the afternoone, he was broght in at the watter ȝet, whair he was met by the magiſtratis the gardis and the hangman, the reſt of the priſoneris being tyed two be two, going barheiddit befor him. How ſoone he cam within the port, the Magiſtratis ſhow him that order. When he had red it he perceived the cart and the hangman. He ſaid he wold go willinglye to it; he was onlye ſorrye that throw him his maſter, whoſe commiſſione he carried, ſould be diſhonored. Then going cheirfullye on the cart, he, being oncovered, was by the hangman tyed therto by ropis, and the hangman rod covered upon the horſe that drew the cairt: thus was he led to priſone. In all the way ther appeired in him ſuch ma-

jeſtie, courrag, modiſtie, and even ſomewhat more than naturall, that thes common women, who had loſt ther huſbandis and children in his waris, and who wer hyred to ſtone him, were upon the ſight of him ſo aſtoniſhed and moved, that thair intendit curſe turnd into teares and prayeris, ſo as the nixt day all the miniſteris preiched agaynſt thame for not ſtoning and revyling him. It is remarkable that, of the many thowſand beholderis, onlye the Laddie Jean Gordon, Counteſe of Hadinton, did publicklie inſult and laucht at him; which being perceaved by a gentillman in the ſtreit, he cryed up to hir that it becam hir better to ſit upon the cart for her adulltiries. The Lord Lorne and his new Laddie wer alſo ſiting in a balconie, joyfull ſpectatoris; and the cairt being ſtopit when it cam befor the ludging wher the Chancelour, Argyle and Warriſton ſat, that they might have tyme to inſult, he ſuſpecting the buſſines turned his face towards them, wherupon they prefentlye creipet in at the windowes; which being perceaved by ane Ingliſhman, he cryed up, it was no wonder they ſtart aſyd at his look, for they durſt not look him in the face thir feavin yeiris bygan.

After he was louſit from the cart, he gave the hangman gold, ſaying, Fellow ther is drink monie for dryving the cairt. It was paſt feavine a'clock at nyght befor he was entered into the towbuith, and immeaditlye the Parliment met, and ſend ſom of ther owine number, and ſom miniſteris to examine him, bot he refuſed to anſwer anye thing to them, untill he ſould know in what termis they ſtood with the King; which being reportit to the Parliment, they continued proceiding agaynſt him

till Munday, and allowed ther commiſſioneris to tell him that the King and they wer agried. He deſyred that nyght till be at reſt, for he was wearied with a longſom jorney, and he ſaid the compliment they had put upon him that day was ſom thing tydeus.

The nixt day, being Sunday, he was conſtantly atendit be mineſteris and parliament men, who ſtill perſeued him with threatning, bot they got no advantage of him. He told them if they thoght they had afronted him the day befor by carying him in a cairt, they wer mutch miſtakine, for he thoght it the moſt honourable and joyful jurney that ever he made; God having all the whyle moſt comfortable manifeſtit his preſence till him, and furniſhed him with reſolutione to overlook the reproches of men, and to behold him for whois caus he ſuffered.

Upon Munday fornoone he was broght befor the Parliment, and after that the Chancelour had ſnivelled out a long premeditat diſcourſe, of his miſcarigis agaynſt the firſt Covenant and League Covenant, his invaſſion and joyning with the Iriſh rebelis, and blood guiltines, and that now God had broght him to his juſt puniſhment, he deſyred to know if he might be allowed to ſpeik, which being granted, he ſaid, Since you have declared to me that you have aggried with the King, I look upon you as if his Majeſtie wer ſitting amongeſt you, and in that relatione I appeare with this reverance bairheiddit. My care hes beine alwayes to walk as becam a good chriſtiane, and loyall ſubject. I did ingage in the firſt

Covenant, and was faithfull to it. When I perceaved ſom privat perſons, under cullor of religione, intend to wring the auctoritye from the King, and to feaſe on it for themſelffis, it was thoght fit, for the cleiring of honeſt men, that a band ſould be ſubſcrivit, wherin the ſecuritye of religion was ſufficientlie provydit for. For the League, I thank God I was never in it, and ſo could not break it. How far religione hes been advancit by it, and what ſad conſequentis followed on it, thir poor diſtreſed kingdomis can witneſſe. When his lat Majeſtie had, by the bleſſing of God, almoſt ſubdued thoſe rebelis that roſe agaynſt him in England, and that a factione of this kingdom went in to the aſſiſtance of the rebelis, his Majeſtie gave commiſſion to me to com into this kingdom, to mak a deverſione of thos forcis which wer going from this agaynſt him. I acknowledg the comand was moſt juſt, and I conceaved myſelfe bund in conſcience and deutie to obeye it. What my carraige was into this country, manye of you may beir wittneſe. Diſorderis in armes can not be preventet, bot they wer no ſooner knowine then puniſhed. Never was any mans blood ſpilt bot in battall, and even then manie thouſand lyves have I preſerved, and I dare heir avow, in the preſence of God, that never a hair of Scotiſmans heid that I could ſave fell to the ground. And as I cam in upon his Majeſties warrand, ſo upon his letteris did I ly aſyd all intreſtis and reteir. And for my comeing at this tyme, it was by his Majeſties juſt commandis, in order to the accellerating of the treatye betwix him and you, his Majeſtie knowing that when ever he had endit with you, I was reddie to reteir upon his call. I may

juſtlye ſay that never ſubject acted upon more honourable groundis, nor be ſo lawfull power, as I did in theſe ſervices, and therfore I deſyre you to lay aſyd prejudice, and conſider me as a Chriſtiane, in relatione to the juſtice of the querall, as a ſubject, in relatione to my royall maiſteris command, and as your nighboure, in relatione to the manie of your lyves I have preſerved in battaill; and be not to raſh, bot let me be judged by the lawes of God, the lawes of nature and nationis, and the lawes of this land. If other wayes, I doe heir appeall from you to the rightious judge of the world, who one day moſt be your judge and myne, and who alwayes gives out rightious judgment. This he delivered with ſutch a gravitie and poſednes as was admirable. After this, the Chancler commandit the ſentence to be red, which he hard with a ſollid and unmoved countinance, and haveing then deſyred to ſpeik, the Chancelor ſtopt him, commandit he ſould be preſentlye removed. He was no ſooner caried bak to priſon, bot the miniſteris with their freſh aſaultis invadit him, agravattit the terrour of the ſentence, wherby to afright him. He ſaid he was mutch beholdine to the Parliment for the honour they put on him, for ſayis he, I think it a gretter honor to have my heid ſtanding on the portis of this towne for this quarrell, then to have my picture in the Kingis bed chamber. I am beholdine to you that, leaſt my loyalltie ſould be forgottine, ye have appoyntit fyve of your moſt imminent townis to beir wittneſe of it to poſteritie.

His freindis wer not ſuffered to com neir, and a gaird kept in the chamber beſyd him, ſo as he had no tyme nor place for

his privat devotione, bot in their heiring. Yet it is acknowledged be tham all, that he reſted alſe kyndlye theſe nyghtis, except ſomtymes he was at his prayeris, as ever they thamſelfis did. The nixt day, being the 21ſt, being clothed in a ſcarlot mandall covered with gold lace, he was broght to the ſcaffold. He cam alongis the ſtreit with ſo gret ſtate, and ther appeared intill his countenance ſo mutch beutie and gravitye, as raviſhed the beholderis, and even manie of his enemies did acknowledge him to be the gallanteſt ſubject in the world. Becaus all his freindis or weillwilleris wer debard from comeing neir to him, ther was a boy ſtoud to wryt his ſpeich in the ſcaffold, which is this.

I am ſorrie this ſould be ſcandalous to anye good Chriſtian: doeth [it] not happine to the righteous acording to the wayis of the wicked, and to the wicked acording to the way of the rightious? Doeth not ſomtymes a juſt mane periſh in his righti-ouſnes, and a wicked man proſper in his mallice? They who know me ſould not condem me for this: manie gretter than I have beine delt with in this kynd; yet I moſt ſay all Godis judgmentis ar juſt, for my privat finis. I acknowledge this to be juſt with God; I ſubmit my ſelf to him, bot in regaird of man I may ſay I am juſt. I blame no man; I complaine of no man: they are inſtrumentis; God forgive them! I forgive them, though they have oppreſed the poore, and violentlie perverted judgment and juſtice: Yet he that is heer then the heeft will regard.

What I did in this kingdome was in obedience of the moſt juſt comandis of my lawfull Soverane, for his defence in the day

of his diſtrefe, agaynſt thos that did ryſe up agaynſt him. I know no thing bot to feir God and honour the King, acording to the commandementis of God, and the lawes of nature and nationis; and I have not fined agaynſt man, bot agaynſt God, and with him ther is mercie, which is the ground of my drawing neir unto him.

It is objectit agaynſt me be manie even good people, that I am under the ſenfur of the church. This is not my fault, ſince it is not onlie for doing of my deutie, by obeying my Princes moſt juſt commands, [but] for religione, and his ſacred perſone and auctoritie. Yet I am ſorrie they did excumunicat me, and in that which is according to Godis lawes, without wronging my conſcience or aledgience, I deſire to be relaxit: if they will not thus doe it, I appeall to God, who is the rightious judge of the world, and who moſt now be my judge and Saviour.

It is ſpokine of me that I ſould blame the King. God forbid! For the late King, he lived a ſanct, and died a martyre: I pray God I may end ſo: if ever I would wiſh my ſoule in another manis ſteid, it is in his. For this King, never people was happier of a King. His comandis to me wer moſt juſt: in nothing that he promiſſes will he faill: he dealis juſtlie with all men. I pray God he be ſo dealt with, that he be not betrayed under truſt, as his father was.

I deſyr not to be miſtakine, as if my caraig at this tyme in relatione to your wayes wer ſtubbornes of hart. I doe bot follow the light of my owne conſcience, which is kendled to the working of the good ſpirit of God that is within me. I thank him, I goe now to heavinis throne with joy, and he ſufferis

me not to feir the terrouris of death, and furniſhes me with confidence and courrage to embrace it, even in his uglieſt ſhape. Let God be glorified in my end, thogh it wer in my damnatione. Yet I ſay not this out of any feir or diſtruſt, bot out of my dewtie to God and love to his people.

I have no more to ſay, bot that I deſyre your charitie and prayeris: I ſall pray for you all. I leive my ſoull till God, my ſervice to my Prince, my good will to my freindis, and my name and charitie to you all; and thus breiflie I have exonered my conſcience.

Being deſyred to pray apart, he ſaid, I have alreaddie poured out my ſoull befor the Lord, who knowis my hert, and in whoſe handis I have commendit my ſpirit, and he hath beine graciouſſlie pleaſed to returne to me ane full aſſurance of peace in Jeſus Chriſt my Redemer. If ye will not joyne with me in prayer, my réteiring apart will both be ſcandalous to you and me. Wherfor cloſing his eyes, and holding his handis, he ſtood a good ſpace at his inward devotionis, being perceaved to be inwardlye moved all the whyll. When he had done, he calis for the executioner and givis him monye. Then having broght unto him, hanging in a cord, his declaratione and hiſtorie, to be hanged about his neck, he ſaid, it had pleaſed his facred Majeſtie that now is to mak him ane of the Knightis of the moſt noble order of the Gerter, bot he did not think him ſelfe more honored be the Garter, then be that cord with the bookis; he wold imbrace it about his neck, with als mutch joy and content as ever he did the Garter, or a chaine

of gold; and therfor deſyred them to tye it to him as they pleaſed. When this was done and his armis tyed, he aſked the bailzies if they had anye more diſhonour, as they conceaved, to put upon him, he was reddie [to] accept; and then, with a moſt undaunned courrage and gravitie, he went up to the buſſines.

XLIV. Orders to garrison Cumbernauld house. 28 Sept. 1650.

Stirline the 28th September 1650.

The Committee of Eſtates, conſidering of what importance the keeping of the houſe and caſtle of Cumbernauld, belonging to John Earle of Wigton, may be for ſecuring and preſerveing the places adjacent, doe therefore heerby appoynt and ordaine the ſaid Earle of Wigton, to putt a ſufficient garrifon in the ſaid houſe, and to furniſh the ſame with proviſions, and a ſufficient quantitie of amonition; and for the better enableing him to keep and ſecure the ſaid houſe, the Committee foreſaid allowes him eight of the dragones, to be putt forth by him out of the pariſh of Lenzie, in place of ſixteen foot; and the Committee of Eſtates doeth heerby prohibite and diſcharg the Committee of warr of the ſherryſdome of Dumbartan, and the officers of the forces to be leavied out of that ſhyre, not to trouble or quarter upon the ſaid Earle or his tenents for the ſaid dragones, he allwayes ſecureing and defending the ſaid houſe. *Extr.*

A. HENDERSON.

XLV.—Key to a Royalist Cypher.

A	B	C	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S	T	V	W	X	Y	Z
36	34	32	30	27	25	23	21	18	16	14	12	64	61	59	57	55	53	51	48	46	44	41	39
37	35	33	31	28	26	24	22	19	17	15	13	65	62	60	58	56	54	52	49	47	45	42	40
38				29				20					63						50			43	
6				5				4					3						2			1	
10				11				68					69						70			71	

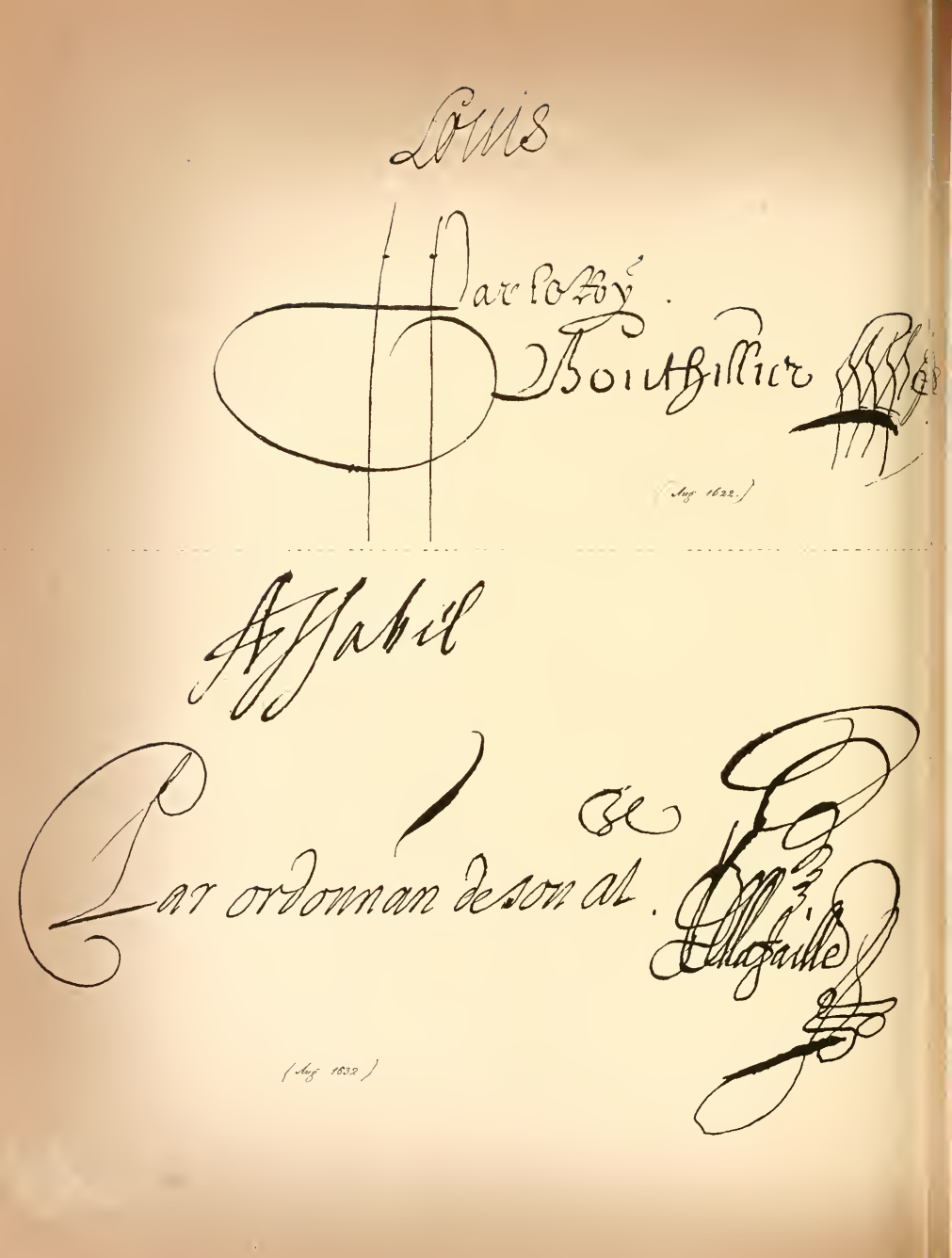
Nulls.

66	67	7	8	9	72	73	74

Decyphering.

1	y	16	k	31	d	46	W	61	
2	u	17		32	c	47		62	o
3	o	18		33		48		63	
4	i	19	i	34	b	49	V	64	
5	e	20		35		50		65	n
6	a	21	h	36		51	t	66	
7		22		37	a	52		67	nulls
8	nulls	23	g	38		53	s	68	i
9		24		39	Z	54		69	o
10	a	25	f	40		55	r	70	u
11	e	26		41	Y	56		71	y
12	m	27	e	42		57	q	72	
13		28		43		58		73	nulls
14	l	29	d	44	X	59	p	74	
15		30		45		60		75	ac

76	all	112	er	148	Is	184	neere	220	ſay
77	and	113	ever	149	it	185	ob	221	ſuch
78	any	114	excuſe	150	into	186	od	222	ſure
79	are	115	ex	151	intreate	187	over	223	ſever
80	as	116	every	152	know	188	or	224	ta
81	at	117	fa	153	knave	189	oc	225	te
82	ba	118	fe	154	kind	190	pa	226	ti
83	be	119	fi	155	la	191	pe	227	to
84	bi	120	fo	156	le	192	pi	228	tu
85	bo	121	fu	157	li	193	po	229	the
86	bu	122	firſt	158	lo	194	pu	230	this
87	before	123	find	159	lu	195	prize	231	that
88	ble	124	fit	160	live	196	prince	232	thus
89	but	125	for	161	left	197	pro	233	thoſe
90	by	126	from	162	love	198	pre	234	them
91	ca	127	ga	163	looſe	199	pray	235	they
92	ce	128	ge	164	lett	200	qu	236	there
93	ci	129	gi	165	little	201	que	237	ua
94	co	130	go	166	many	202	queſtion	238	ue
95	cu	131	gu	167	ma	203	queene	239	ui
96	can	132	goe	168	me	204	ra	240	uo
97	cauſe	133	gone	169	mi	205	re	241	uu
98	con	134	give	170	mo	206	ri	242	unto
99	com	135	great	171	mu	207	ro	243	wa
100	care	136	good	172	my	208	ru	244	we
101	could	137	ha	173	more	209	rare	245	wi
102	da	138	he	174	moſt	210	raiſe	246	wo
103	de	139	hi	175	make	211	rather	247	watch
104	di	140	ho	176	may	212	ſa	248	wiſe
105	do	141	hu	177	na	213	ſe	249	where
106	du	142	his	178	ne	214	ſi	250	when
107	dis	143	him	179	ni	215	ſo	251	whom
108	dare	144	hir	180	no	216	ſu	252	whoſe
109	did	145	hope	181	nu	217	ſome	253	which
110	doe	146	Im	182	none	218	ſoone	254	with
111	duety	147	In	183	never	219	ſoe	255	you



256	your	273	Lord Lothyain
257	year	274	Parliament of Scotland
258	zeale	275	The Aſſembly of the Church
259	zealous	276	The Covenant
260	The King	277	Ireland
261	The Queene	278	Scotland
262	The Duke of Yorke	279	France
263	The Princes Royall	280	Sweden
264	The Prince of Orange	281	The Queene of Sweden
265	Prince Rupert	282	Earle of Brainceford
266	The Marquis of Ormond	283	Lord Threaſaurer
267	The Marquis of Arguile	284	Lord Culpeper
268	Marquis of Montroſe	285	Sir Edward Hyde
269	Lord Lanerick	286	Sir William Flemyng
270	Lord Lauderdale	287	Mr Long
271	Lord Calendar	288	Independants
272	Lord Chancellor Louden	289	Army of England.

List of Passes.

1632.—Isabel Infant of Spain, 27th August, to John Fleming, Thomas Reven and George Brisben, "gentilzhommes Ecossais," to return from the Low Countries, through Holland and Zeland, into Scotland.

—— Louis XIII., 31st August, to John Count of Fleming, returning to Scotland.

1647.—Scotish Parliament, 22d March, to Sir Williame Fleming going to his Majesty on his own necessary affairs.

—— Ro. Hammond, 14th December, to the same, with an order for four post horses and a guide to London, and back to Carisbrook Castle in the Isle of Wight.

1649.—Charles II., 11th March, to the same, from Holland into Scotland and back.

1649.—Charles II., 12th Nov., to the same, from Castle Elizabeth in Jersey, by France or the Low Countries, into Scotland and back, "on special service."

—— Prince of Orange, 25th Nov. to the same, into Scotland.

1650.—Charles II., 20th May, to the same, from the Low Countries to Scotland and back, "for our particular affairs."

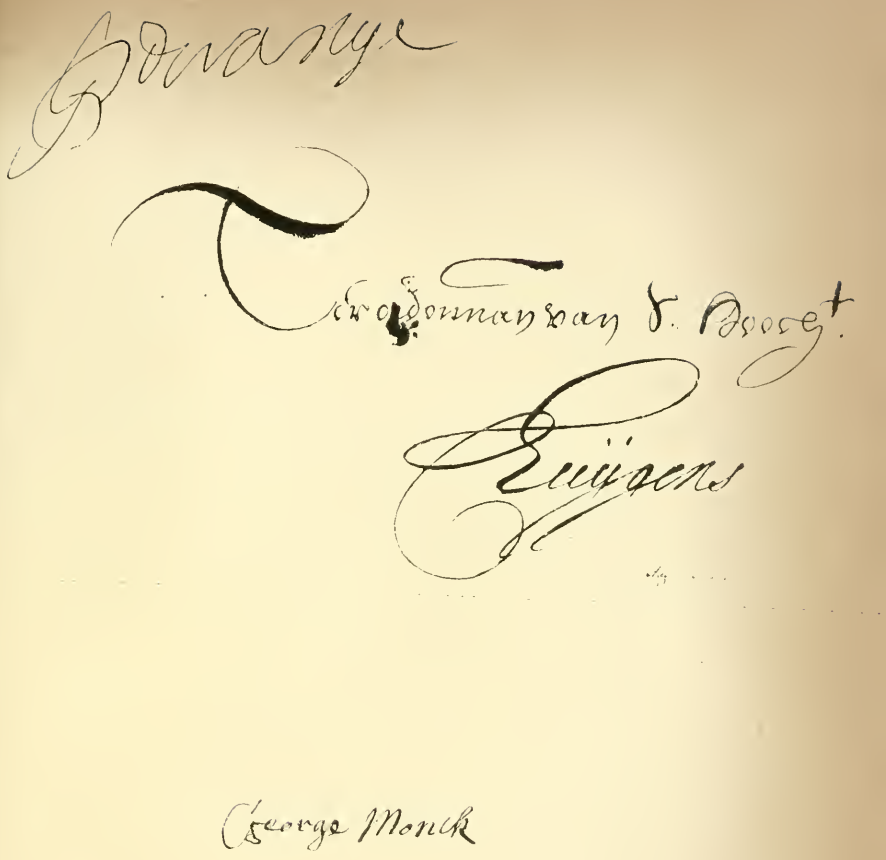
—— Prince of Orange, 24th Aug. to the same, into Scotland.

1658.—Charles II., 8th Aug., to Sir William Keith, travelling on his affairs into Spain.

—— —————— 14th Aug., to Lieut. General Sir John Middleton.

1659.—General George Monk, 17th Nov., to the Earl of Wigton, travelling in Scotland.

Note.—Since the preceding papers have been printed off, there has been found in an old inventory of the Wigton writs, a Commission under the Great Seal of James V. to John Lord Fleming, Great Chamberlain of the Kingdom, as Ambassador to Francis I. for managing certain affairs entrusted to him, and in particular to desire that King to send home the Duke of Albany to be Regent of Scotland. This document, dated 7 March 1519-20, would have illustrated No. I. of the preceding papers, and confirmed the conjectures in the preface, had it been recovered in time. It is to be hoped that the liberality of Admiral Fleming will on a future occasion enable further selections from the very curious documents which that Inventory contains, to be laid before the Club.



George Monck

EXCERPTS FROM THE HOUSEHOLD BOOK OF MY LORD ARCHBISHOP OF ST ANDREWS FROM 1663 TO 1666.

HOUSEHOLD BOOK OF ARCHBISHOP SHARP.

Accompt of the money resaived be Mr George Martine at my Lord St Androis his Graces directioun since the first of August 1663 till Nov. the said yeire.*

Aug. 1.—Resaived frome Mr Williame Sharp -	120	00	00
Sept. 11.—Received frome Johne Robertson at my Ladis ordour - - -	180	00	00
Sept. 18.—From Mr Williame Sharpe of Johne Alexander his composition for his chartour of the apprysed land of Bonytown - -	160	00	00
Oct. 14.—Frome Johne Robertsone at my Lordis ordour	180	00	00
30.—Frome Alexander Foryster in St Androis	133	08	00
Nov. 7.—Frome Williame Limdeane in pairt of his composition - - -	666	13	04

* The MS. from which the following Excerpts have been taken, is a memorandum book of the household and travelling expenses of the well-known Dr James Sharp, who, from being minister of Crail, during the time of the grand Rebellion, was made Archbishop of St Andrews, by Charles II. after the Restoration. The book is written in a very neat hand, by his Secretary and companion, George Martin, Esq. of Claremont, author of the "Reliquiæ Divi Andreæ." It was given by the late Mr David Martin of Eden-side, the lineal descendant of the Secretary, to the late Mr Cleghorn of Wakefield, near St Andrews, by whose Son it was presented to the Literary Society of Cupar-Fife, and by the latter transmitted to Mr Macdonald, for the purpose of printing such Extracts for the Maitland Club as should be thought fit.

Frome the Commissar of St Androis for quottis of testaments frome Lambes 1663 to the said day -	765	19	00
Frome Thomas Adamsone to be given to Mr Williame Sharpe - - -	1000	00	00
21.—Frome Mr Williame Sharpe to compleet debursements and pey all bygane accompts preceeding Nov. 23 the day of his Lordships journey to Londoun -	152	18	10
	2358	19	02

Journey Chairgis from Edinburgh to St Androis August 1.

To Mr Williame Sharpe stewart in drink money	002	18	00
To the undir servand both at his Lordships directioun	001	09	00
For a horse to Leith - -	000	06	00
For his Lordships fraught and company -	002	18	00
For carieng the graith from the shoare -	000	03	00
For corne and strae for the two geldines a night	001	08	00
For aill and bread to the servands be the way -	000	12	00
To a mane that guydit the coatch - -	000	12	00
For the horse hyre that turned frome Balfarg -	000	16	00
For a bagage horse hyre to St Androis -	002	02	00
For 2 horse to Leuchars to wait on his Grace	000	12	00
For a horse hyre to Mr Robert Honymans admission at Couper - - -	000	12	00
The comptar chairges that day -	000	18	00

From St Androis to Edinburgh August 7.

For a brydell to Williame Sharp horse at my Lordis directioun - - -	000	12	00

My Lords denner at Kinghorne in vyne flesch aill bread &c.	003	18	00
To Williame Wallace that returned with thrie horse	000	18	00
For wyne beir and bread at Leith at my Lordis landing	001	04	00
To the coatchman and footman that brought my Lord from Leith	000	16	00
To the Lord Carnegies coatchman that was disapoynted, at Mr Williames dirrection	000	12	00

From Edinburgh to St Androis September 11.

To my Lord Glasgowes coatchman and footman for the coatch to Leith	001	16	00
To the poore at Edinburgh and going to the boat	000	06	00
For Ralphe and the 2 geldings fraught to Kinghorne	001	04	00
12.—For my Lord quarter that night and nixt morneing and for aill to the workmen about the coatch conforme to accompt	005	04	04
To poor at Kinghorne at several tymes	000	03	00

Journey from St Androis to Edinburgh September 21.

To the poor at my Lords lodgeing	000	12	00
For super at Leith with the Bishops of Aberdeine, Caithnes conforme to ane accompt of particulars	005	18	00
For ane hakney coatche frome Leith to Edinburgh being late and dark	002	08	00

Journey from Edinburgh to St Androis 15 October.

To Helen the work lasse	002	18	00
For a cart to Leith with two barrellis of buttur and the graith	000	12	00

To the poore at Leith - -	000 06 00
For 2 horsses frome Edinburgh to Leith for James Veillie and Mr George - - -	000 12 00
To my Lord Glasgowes coatchman and footman at my Lordis directioun - - -	002 03 00
Payed costoum at the Netherbow Leith and Kinghorne	000 06 00
23.—For horse frome Leith to Edinburgh in a great rayne	000 08 00
For allowance to Mr George in his sex dayes absence	005 08 00
25.—Chairgis of thrie men and horsses at Kilrenny being sent by my Lord to speak James Watsone anent his marriage - - -	001 05 00
For horse hyre to the notar that went alongis	000 12 00
Instrument money - - -	000 06 00
Nov. 3.—When my Lord went to Falkland to a guyd be the way - - -	000 06 00
For corne and strae to the 4 coatch horses ther -	000 18 00
For corne and strae to the 2 sadill horses -	000 08 00
To divers poore people in Falkland -	000 04 00
To drink money at Mr Williame Barclay his hous	001 10 00
To the poore people at Falkland ane other tyme	000 06 00

Journey from St Androis to Edinburgh.

Oct. 9.—To many poore at my Lordis gaittis -	000 12 00
For William Bruce chairgis attending the clokbagis for his breakfast and denner at Brintyland with the bagag	000 10 00

Accompt of the bookis cotin to my Lord.

Oct. 8.—For the Reweiw of the grund -	000 18 00
For Survy of holie disciplin - - -	002 08 00
Answer to *Fiat lux* - - -	001 10 00

Treatize of Human learneing - - - 001 10 00
Bishop Donnes Sermons - - 000 14 00
For Laberlencks (?) of estaitis - - 009 00 00
Bishop Hutins contra Howie conforme to ane accompt 003 06 00

Money given to my Lord.

August 12.—To my Lord at the Bishop of Edinburgh hous to give the poore - - - - 000 06 00
Sept. 15.—To the footman that was sent to the Bishop of Brechin - - - - 001 04 00
16.—To my Ladie - - - - 002 18 00
21.—To my Lord which he gave the Bishope of Murray 005 16 00
Oct. 4.—To my Lord to give Mr James Strauchen a deposit old minister - - - 005 16 00

Moneyes debursit at my Lords directione.

Aug. 7.—To the toune drummer at St Androis at my Lords direction - - - - 000 12 00
Sep. 11.—To the poore men - - - 000 04 00
23.—To my Lord Chancellors porter - - 000 12 00
Oct. 2.—To my Lord Balheavens mane that brought turkies and dowes to my Lord - - - 002 08 00
To Mr Patrick Weymes widdowe 2 dollors - 005 16 00
13.—To the provest of Edinburgh nurs in drink money 011 12 00
To Johne Young keeper of the seatis of the New Kirk of Edinburgh - - - - 008 14 00
26.—To my Lord Glencairnes servand that brought Coalls in drink money - - - - 005 16 00
To a distressed widdow at my Lordis ordour - 002 18 00
28.—To my Lord for the first collectione in the Synod 001 09 00
26.—To John Fraser messenger being sent to intimat to 4

ministers the Synodis sentence of depositioun and suspensioun againest them - - -	005	16	00
Nov. 6.—To Mr George Ogilvies man that brought fische	000	18	00
To the footman Wattie when he was sent to St Johnstoune	000	12	00
7.—To a poor man Traill and a lame shouldiour	000	09	00
Given to my Ladie to compleit all bygane accompts of the hous - - - -	107	08	04
To Catherine Moncreiff conforme to hir discharge	050	00	00
14.—To my Lord to give James Crose who presentit ane almanack dedicat to my Lord - -	002	18	00

NECESSARIS FOR MY LORD AND UTHER DEBURSMENTS.

Aug. 15.—For a paire of shiverines to my Lord and drink money to the boy - - -	001	18	00
29.—To the barbour for trimeing my Lord -	000	18	00
Sept. 22.—For washing my Lord cloathes at 3 several tymes	003	04	00
For a link to wait on the coatche - -	000	06	00
28.—For ribbanes to my Lord shoes - -	000	09	00
Oct. 3.—For 2 ellis of creap for a murneing string when the Bishop of Orknay died at 2 ℔ 13 ʃ the ell is -	005	06	00
For a pair of black shambo gloves to my Lord -	001	16	00
For 6 quarteris of black silk coard to my Lords hatt	000	05	00
11.—For tuo linkis at the Laird of Grantis buriall	000	12	00
14.—For a bybill to Williame Sharpe - -	004	10	00
For six quarteris of black ribbanes to my Lord -	000	08	00
15.—For a link to wait on the coatch to the abbay -	000	06	00
Nov. 11.—For two linkis at my Lord Glasgowes buriall	000	12	00
14.—For a link to the coatche going to Ladie Glasgowes hous - - - -	000	06	00
For holland to be band and cuffis to my Lord -	004	00	00
For cours holland to be stockis to the band and cuffis	000	12	00

17.—For a link goeing to my Lord Chancellours hous	000	06	00
For a link to my Lord Presidents hous -	000	06	00
The compt of the money given to the poore in smallis thir 3 mouthes bygane comes in haill to - -	010	19	08
To a poore shouldour at the abbay church doore -	000	06	00
To the poore people at the abbay church on both sydes of the coatche - - -	000	04	00
To poore people at severall tymes at the hous and abroad at the coatche theis ten dayes bygane - -	001	02	00
Nov.—Payed to ane apothecarie at St Androis for some oyllis and drougis to the coatch horse - -	001	08	00

Accompt of my Lord Archbischop of St Andrews and Glasgow thair Lordships Chargis at Londoun in Lodging dyet vyne fyre wood Coallis Candillis from Dec. 3 to Jan. 27. 1664.

Die Jovis Dec. 3.—Inprimis at Barberkin for oysteris and opning theme - - -	001	10	00
In the rekoneing for vyne claret and kinnarie beir bread fyre	006	08	00
To the hostlar and a boy for receaveing and carieing Clok-bag sadilles - - -	000	12	00
For a coatch for the graith frome to the loudgeing in Westminster - - -	001	10	00
To a porter for carieing the graith to the chamberis	000	04	00
For a coatch to thair Lordships from Barberken to Lauderdaillis vaiting houris and hom - -	002	08	00
For fyre that night in thair chamberis - -	000	10	00
For aile bread and pippines at Supper to thair Lordships and thair servantis - - -	000	19	00
For tuo pound of Candle - -	000	13	00
Die Veneris 4.—For aill and bread in the morneing -	000	12	00

Dinner for a souldiour of muttoun - -	001 16 00
For a dishe of greenefishe - -	001 16 00
For breid aile and a pynt of claret vyne -	001 02 00
For fyre in the morneing at diner and at night -	001 06 00
For vyne aile and bread at night and pippines at diner and supper - - -	001 08 00
For a Coatch to and frome Whithall - -	001 10 00
Die Saturnii.—For fyre in the morneing and at night in both thair Lordships chamberis - -	001 00 00
For aile and bread in the morneing pippins at a pynt of Claret at night - - -	001 11 00
For 3 stone of weight of beiſe at 1 ℔ 10 s the stone and salt thairto - - -	004 12 00
For a paire of Oares to Lambeth - -	000 18 00
For oares to the servantis returneing -	000 06 00
For a pound of Butter - - -	000 08 00
Saboth 6.—For aile and bread in the morneing and at night and for cheese - - -	001 02 00
For fyre in the morneing afternoon and at night -	001 04 00
Monenday 7.—For fyre in the morneing and at night	000 17 00
For bread and drink in the morneing and at night and for cheese - - - -	001 01 00
For a coatche to Vorcester hous Durham ȝaird Lady Balheavin and home - - -	002 08 00
Dinner for a pullet - - -	001 08 00
For butter limon turneipis and pepper and egges	000 09 00
For dresing the pullet and a peice of beiff at 4 s the peice	000 08 00
For aile bread fyre and a pynt of claret at dinner -	001 10 00
For fyre at night - - -	000 10 00
Tysday.—For fyre bread and drink in the morneing	000 16 00
For 500 natches of billetis - -	005 14 00

For ane ½ hundreth of faggotis and for a cart bringing tham hom - - -	004 10 00
Dinner for a shouldier of muttone - -	002 00 00
For Turnepes butter and a great loaff -	000 17 00
For a quart of Kinnarie thearle of Lauderdaill being with their lordships - - -	001 04 00
For a coatche to Worchester hous and home -	000 18 00
For a quart of wyne to their Lordships and Lord Ogilvie	000 10 00
Wednesday.—For Canarie at night to my Lord Rothes	000 12 00
Thursday.—For a capon and makeing it readie and a peice of beiff - - - -	002 10 00
Die Veneris.—For aile and bread in the morneing and at night - - - -	001 08 00
Dinner therll of Rothes and Lauderdaill being present for 12 Oringeris - - -	000 12 00
For vinager and spyces to oystaris - -	000 01 03
For table beir and aile - -	000 14 00
For a dishe of fishe with egges - -	003 00 00
For a joyle of Salmond with oysteris and egges	008 06 00
For a dishe of quhitingis - -	001 16 00
For a dishe of solefyshe - - -	006 00 00
For a dishe of Smeltis - -	005 08 00
For a dishe of teartis - - -	002 14 00
For bread at dinner and a barrell of oystaris -	002 02 00
For the maill of the loudgeing from Thursday Dec. 3 to Thursday Dec. 17 being two weekis at 16 ℔ 4 s weekillie	032 08 00
For a goose and aple sauce - -	002 14 00
Saboth.—Dinner to many noblemen for 2 barrell of oysteris	004 00 00
For a dishe of fishe with egges and butter -	003 00 00
For a Vestphalia ham with cheekines - -	013 04 00
For a coadis head and oysteris - -	006 06 00

For a dishe of stewed carpis - -	006 00 00
For a dishe of dryed quhittines - -	003 00 00
For a dishe of fried smeltis - -	004 16 00
For a chyn of Salmond - - -	003 12 00
For a jouyll of Sturgen - -	006 00 00
For a tart - - - -	005 02 00
For oringis Vinegare spyce and tobaco pypis -	000 18 00
Die Martijs.—For a pynt of wormwood wyne in the morneing and a quartclaret at night and for pippins -	001 19 00
Supper to many noblemen and utheris for a young turkie and dressing - - -	003 10 00
For 3 phesines at 3 ℔ the peice - -	009 00 00
For tuo woodcockes - -	002 08 00
For tuo pullettis - - -	003 00 00
For 4 pertrigis - - -	004 16 00
For 4 cheekines at 16 ß the peice - -	003 04 00
For aples and Carvie - -	000 18 00
For oringis and limones - - -	000 16 00
For anchoves to be a dishe to be sauce -	001 02 00
For olives Caperis vinegare spyce and butter -	001 06 00
For oysteris aile mustard suggar and pearsle -	001 08 00
For 4 bottillis of cedar - -	001 04 00
For a peice beef at dinner to the servants -	000 16 00
To the Landlady for supper dressing kitchene and fyre	001 16 00
For pypes to Lauderdaill and for bread at night -	000 16 00
Item in drink money to my Lord Lauderdaills servands	006 00 00

My Lord Archbischop of Glasgows Compt.

For 3 duzen pund of Candill at 3 ℔ 12 the duzen	010 16 00
For 150 pippines - - -	004 10 00

For sex botillis of Canarie - -	007 04 00
For 17 botillis of Claret - -	010 04 00
For a tune of Coalis - - -	016 04 00
For 12 bottellis of sak - -	014 08 00
For 24 botills of Claret at divers tymes -	014 08 00
Payed be his lordship in earnest of his ludging -	003 00 00
More acompt given in be Glasgow of aples -	007 05 00

JOURNEY CHAIRGIS FROM LONDOUN TO EDINBURGH JAN. 27.

For a coatch to Walthame with the earnest to the coatchman - - - -	015 12 00
For horses to Roystoun - -	014 00 00
To the chamberlanes - - -	001 10 00
To the Maids butcatcher* and hostler -	001 16 00
For horsses to the guyd and to the poore people -	009 16 00
For horsses to Grantham 2 stagis and guyd -	016 06 00
For dinner of colopis and eggis beire and bread -	003 06 00
To the chamberlaines deputie and poore - -	001 05 00
Alnik.—For dinner wyne beir bread -	004 12 00
To the hous 2 violleris and the hostler -	001 16 00

ACCOMPT OF MONEY GIVEN TO MY LORD ARCHBISHOP OF ST ANDROIS HIS GRACE AND DEBURSED AT HIS DIRECTION IN LONDOUN FROM NOVEMBER 23 1663 TILL JANUARY 1664.

For paper to serve on the road - -	000 02 00
For a halking bag for my Lord night graith	000 06 00
For paper at Durham - - -	003 00 00

* The official person at Inns, termed in modern times *Boots*.

For mending the halking bagg - -	000 02 00
To the Earle Lauderdaills servant that brought my Lordis gowne from Whithall - -	000 12 00
For a chaire to and from Lauderdailles -	001 04 00
For a chair to the watter my Lord going to Lambeth	000 12 00
For ribbones to my Lordis tippet -	000 06 00
To my Lord goeing to the Kingis chappill -	006 00 00
For a chayre ther - - -	000 12 00
For a chayre to the watter - -	000 12 00
Boord wages Mr George and William Bruce Satturday Sunday Mononday - -	003 12 00
For a coatche to Covent Garden and for returneing and for a new book - - -	001 05 00
To my Lord to give poore people at tuyse -	000 06 00
For a coatch to Durham 3aird - -	000 12 00
To the people at Vorcester hous and Durham 3aird	000 03 00
For trimming my Lord and for a newes book -	001 05 00
For a pair of shoes and galloshes to my Lord and ribbanes	006 08 00
For a coatch to my Lord Newburghes and home	001 06 00
To Mr Bloures man bringing home the new gowne	001 10 00
For a coatch to Lambert Street and for waiting and home	002 14 00
For ane ivorie Cabinet - -	072 00 00
For ane new hatt to my Lord - -	063 00 00
For dressing the old hatt and for pock and string	003 00 00
For a coatch to Vestminster hall and returneing	001 04 00
For bookis ther at on shope - -	011 14 00
For cutting my Lordis litell seall - -	012 00 00
For a new satin cap - - -	003 00 00
For small ribbanes for the key of the Cabinet	000 03 00
For θεανθρωπος and goeing by watter gett	001 00 00
For a pair of schiverines to my Lord -	000 18 00

Given to a poor widdow at my Lordis direction	001 04 00
Cristmas Day to my Lordis going to the Chapill	003 06 00
For a coatch to Rothes - -	000 12 00
To the doore keeper of the chapill given by my Lord	006 00 00
For a chayre to Bishop Winchesters - -	000 12 00
For a chayre from Whithall in tyme of rayne	000 12 00
Goeing and comeing to Mr Lindsayes by water at night	000 12 00
Jan. 1664.—To the keeper of Lambeth Chapill to see the cushyon - - - -	000 12 00
For post and gilt paper - -	000 07 00
To my Lord to give to Sir Elischa Lightons coatchman	001 04 00
For a coatch to Rothese Newburghes Dr Montanes and home - - - -	002 08 00
For rebbanes necklaces and pendentes for the childrene	012 00 00
For tuo satin capis to the bairnes - -	004 04 00
For a coatch to Rothese and Coupars -	000 18 00
To Lillies and Earll Arguyll - -	001 10 00
From my Lord Arguylls home - -	000 12 00
Given to my Lord to Bischop Londounes -	006 00 00
For a botill of seck sent to Mr Blaire - -	000 12 00
For a paire of stockingis to my Lord -	003 12 00
For 2 peice of ribbanes to William Sharpes cloathis	015 12 00
For 2 steming petticoatis and 2 bairnes coatis	040 16 00
For 4 timber combes for my Lady - -	001 10 00
For liquoring my Lordis boots saddle and cloak bagg	000 18 00
For 2 horne combs and a caice - -	001 04 00
To my Lord to give a distressed gentleman -	006 00 00
For a pair of gray schooes to my Lord and drink money	003 12 00
To my Lord to give in drink money for the Asses	006 00 00
For the asses stable and meat a night -	001 04 00
Sent to my Lord to Whithall - -	006 00 00

To Mr Lockhart for my Lords pistolls bought be him	018 00 00
For the sadle - - -	030 00 00
For diacolon plaister - -	000 12 00
For a new scabboord to my Lord sword -	001 04 00
For orange flower watter to my Lord -	002 08 00
To his Lordship to give Lindsay Archbishop of Glasgowes man - - -	003 00 00

Edinburgh 8 of March 1664.

Summa of all preceeding accomptis in charge and dischairge—

Imprimis the chairgis of the journey to Londoun extendis to - - - - -	038 06 00
The chairgis of dyet ludging and uther spending at London comon to both their Lordships journey extends to	081 09 00
The chairgis of their Lordships journey from London to Edinburgh - - -	038 06 00
Summa - - -	159 01 00
Quhairof just half is - - -	079 10 00

Journey from Edinburgh to St Androis 9 March 1664.

To Williame Sharpis stewart, his cooklass, Alexander Miller at my Lordis directione - -	005 11 00
To my Lord Levenes man for shewing the way	000 06 00
To the footman that ran - -	000 06 00

Charges of the journey to Dunibrissell and Aberdour.

June 25.—To the boatmen in earnest -	000 12 00

For ther morning drink at the boat hyreing -	000 06 00
For vyne bread milk and aile at Dunibrissell	000 18 00
To the houskeeper - - -	001 09 00
To the gardiner - -	002 18 00
To his man - - -	000 06 00
August 3.—Lord Levenes buriall for aill at Darsie	000 08 00

Money given to his Lordship since February 3.

It. to give a student - - -	008 14 00
To give Jonat Daniskene - -	005 16 00
To give my Lord Glasgow man that vaited on the asses	005 16 00
To my Lord being Sabboth } for a collectione	002 18 00
To my Ladie that day }	002 18 00
At the consecration to his Lordship in the churche	005 16 00
27.—To give ane old man - -	002 18 00
28.—To his Lordship to give Katheren Sharpis nurs	001 09 00
To his Lordship to give 2 gardners in Dunibrissell 3 dollors	008 14 00
To his Lordship ditto in S. P. - -	080 00 00
To his grace to give to Edward the pleasant -	005 16 00
Feb. 4.—For a new black crooper to his Lordships Sadle	000 16 00
For a pair of new joynted indented spurris his Lordship	001 12 00
For spurr leathiris therto - -	000 10 00
For vashing his Lordships cloathis at Edinburgh being all foull efter the journey - -	001 05 00
To a tailziers man for mending his Lordships cloak and doublet - - -	000 12 00
For 3 Spainsche bisomes and 3 mapis sent to St Androis	001 16 00
March 3.—Bookis for Williame Sharpe -	025 17 00
For Majora Coloquia Erasmi - -	001 16 00
For Terentius, Ludovicus vives and gramat. disput.	001 10 00
For Buchanan psal. and declog. sacro. - -	001 04 00

For Salustus and Ovid metamor. -	001 06 00
For a new bitt to my Lordis new Londoun brydill	001 10 00
May 21.—For drugis to the childrene quhen they gott all phisick 2 or 3 dayis together frome Doctor Pittilluo	007 14 00
For the Commission anent Church affaires -	002 00 00
For a murneing tippet of thrie ellis and 3 half quarters of brod lace at 3 pound 12 ß p. elne is -	012 03 00
For his Ladyes padd 10 dollars and drink money -	029 12 00
July 1.—At the Dean of Edinburgh hous in drink money	001 09 00
28.—For fixing a ston in a ring - -	000 12 00
To a barber the day of the Chanclours buriall	000 18 00
For a pair of murneing shoes to his Lordship -	002 18 00
For dressing his Lordship hatt and a new pock therto	002 02 00
For 1 ell and ¼ of lut string taffete to my Lady at 6 ℔. per elne - - -	006 15 00
Aug. 13.—For six ellis of pedesway to his Lordships ryding coat at 11 ℔. the ell - -	066 00 00
16.—For a chopine of Rainische wyne -	000 18 00
For a halkeing bag to carie his Lordships night graith and a belt - - - -	000 12 00
For a Solen goose sent to St Androis -	000 04 00

Deburšed at his Graces direction.

1664. Feb.—To the Lord Chancellors porter -	001 04 00
4.—To the toune drummer of Edinburgh -	002 18 00
To the toune trumpetteris - -	005 16 00
6.—To his Lordships massones at the woman hous	001 04 00
8.—To the Earle of Athollis mane that brought wyld foull	001 16 00
15.—For a pair of shoes to Catherene Scharpe -	000 12 00
For a belt of black stringis - -	001 04 00
For pins to the Lady - - -	000 12 00

For a guyd from Balcarras - -	001 04 00
To John Wilsone bell man of Crail - -	001 04 00
To the horse to Kellie - -	000 12 00
To my Lord Lyones man with lettres - -	000 12 00
To my Ladie to give William Scharpis regent -	014 10 00
To a post for carrieing a letter to the Bischop of Dunkeill	000 06 00
To the Ladie to buy a pig - - -	000 18 00
17.—To the Laird of Ardries mane for a goose -	002 18 00
March 16.—St Androis—To Lisbet Scharpis nurse -	000 12 00
For a pocket inkhorne for William Sharpe -	000 05 00
23.—To the laird of Lesmores mane that brought mure-foullis - - -	002 08 00
To William Scharpe to pay for candle in the coledge	002 18 00
30.—To my Lord Cassillis mane that brought letters	000 06 00
To the messenger for executing the letters againest Mr Johne Carstares and utheris first and last -	004 19 00
31.—To my Lord Rothes man with letters -	001 04 00
Apryll 4.—To Mr James Lawmonds relict -	000 12 00
To my Lady Crawfurds man - -	000 12 00
12.—To hir Ladyship when his Lordship went to Edinburgh 10 Dollars - -	029 00 00
16.—To the Earle of Kellies nurse in the Castell of Edinburgh - - - -	005 16 00
To the gunner of the castill - -	006 00 00
28.—To David Irving a poor shouldiour -	000 04 00
To the Commissar of St Androis his nurse -	002 18 00
To bringing over my Ladies new pad -	000 16 00
For sex new bees scapis at 8 ß the piece - -	002 08 00
May 4.—To William Sharpe for a paire of arrowes	000 10 00
For a glove and a brace - - -	000 14 00
For a bow string - - -	000 03 00

To my Lord Newarkis mane for letters from Edinburgh	000 12 00
To Kathreine Moncreif for hir annual rent fra Martymes 1663 to Whitsunday 1664 inde - -	050 00 00
16.—To the Laird of Sandfurds nurse -	005 16 00
18.—To the Earle of Rothes coatchman 1 Dollar to postillian ½ - - - -	004 07 00
26.—To a harper at his graces directioun -	002 08 00
For a quare of cutt paper - - -	000 06 00
27.—To my Ladie to give William Sharpis regent 5 Dollaris - - - -	071 10 00
To the Ladie to give a Craill boy to help his pack	000 18 00
To the Lord Theasurares porter - -	001 10 00
July 4.—To the Dean of Edinburghs mane who brought cherries - - -	000 12 00
26.—To Garnetullis man that brought murefoullis -	000 18 00
Aug. 9.—To my Lord Loures man that brought fruit	001 09 00
13.—To Cathrein Sharpes nurss for ane yeires fie -	036 00 00
To my Lord Carnegis cook at Leeuhares -	000 12 00

July 28.—Chairgis of Murneing for the Servands at the Lord Chanchellour buriall.

For thrie ell of creap for coatchman and footman at 3 ℔ sterling the ell is - - - -	003 12 00
Item for two ellis of lace for a hatt band to Mr George at 3 ℔ the ell - - -	006 00 00
For two paire of stockenengis to coatchman and footman	004 00 00
For 3 ellis of murneing ribbanes for his Lordship -	001 04 00
For a hatt to the coatchman - -	003 00 00
For a hatt to the footman - -	002 02 00

Aug. 18.—Payed to Williame Seaton tailzier conforme to his accompt - - - 106 04 08

Money given to the Poore since February 3d.

Feb. 4.—To poore people at his Lordship goeing and comeing out of my Lord Chancellour -	000	08	00
To John Adiesone at St Androis - -	000	12	00
8.—To a poore woman ther - -	000	06	00
9.—To poore people at the loudging - -	000	06	00
19.—To poore people at twyse there -	000	08	00
21.—To a poore man - - -	000	04	00
27.—Edinburgh to many poore - -	000	08	00
To poore people at the abbay goeing in and comeing out	000	05	00
To the poore comeing from the Colledge of Edinburgh	000	08	04
Mair to poore people that efternoon -	000	02	00
To poore people at Edinburgh goeing to Leith and at Bruntyland - - -	000	08	00
To poore people in 5 dayes at St Androis -	000	17	00
To other poore at divers tymes - -	000	13	00
To the poore at Leucharis - - -	000	06	00
To poore at St Androis - -	000	08	00
Mair to a poore man ther - -	000	05	00
Mair to poore at Wolmerstoune -	000	05	00
To a poore woman who had a petition for hir husband	000	18	00
To a poore man of Crāill - -	000	06	00
To a poore shouldiour at the loudging -	000	04	00
To poore from the 1 Apryll till the 12 - -	001	06	00
To the poore at Edinburgh - -	000	07	00
To the poore at the loudging the 15 day to poore twyse in the parliament close - -	000	18	00

To his Lordship to give the poore at the Provost of Edinburgh	000 09 00
To poore at twyce	000 03 00
St Androis to a poore man callit John Sincklare	000 18 00
To Jeane Fothringham a poore woman in Bamff	000 06 00
To a poore woman by his Lordships ordour	000 12 00
To many poore people at divers tymes	000 05 00
To two poore shouldiours at the loudging	000 06 00
To poore at twyse	000 03 00
To the poore at divers tymes	000 06 00
To the poore at the loudging	000 03 00
To a lame shouldiour	000 04 00
To poore people at Kingisbarnes	000 05 00
To a lame shouldiour	000 04 00
To the poore before the last of May	000 19 00
June 4.—To divers poore people	000 05 00
5.—At the abbay and lodgeing	000 05 00
6.—In the Parliament Close at twyse	000 03 00
8.—Mair to the poore	000 04 00
To the poore till ye 15 in smallis	000 11 00
16.—To the poore at twyse in the Parliament Close	000 03 00
To a poore woman at the lodgeing	000 06 00
Mair to the poor till 22	000 12 00
Mononday 27 of Junii	000 07 00
To the poore preceiding the 7 July	000 15 00
To the poore preceiding July 17	000 14 00
From the seventeint to 30	001 02 00
To a poore woman Isobell Hay	000 08 00
Aug. 6.—To the poore preceiding August 20	001 03 00
26.—To the poore at the abbay and Lord Glasgowes	000 08 00

At Edinburgh 22 day of August 1664.

The haill preceeding accompts in this book being calculat and sowmed as followis—

The chairgis of journeys - -	0329 04 00
Moneyis given to Mr William Sharpe -	9882 06 00
Moneyis given to his lordship - -	0674 10 10
Accompt of necessaris - - -	0252 01 00
Debursmentis at directioun - -	1260 01 04
Off murening and tailzour accompt - -	0125 06 00
Chairgis of servantis - -	0245 06 00
Chairgis of coatch and horses - -	0246 00 02
Money given to the poore - -	0029 13 04

Accompt of my Lord Archbischop of St Androis his graces Journey Chargis from Edinburgh to Londoun being August 21. 1664 and ending August 30.

22.—For oylling and dressing his lordships boattis -	001 10 00
For oylling and dressing 3 Pistoles -	000 08 00
For a paire of boot garteris - -	000 04 00
For two horse hyres from Edinburgh to Bervick	016 00 00
Alnick.—For beer bread and wormewood wyne -	001 08 00
Morpeth.—To the guyd and hostler -	001 04 00
Dunstable.—For 3 horse to the Lord Dunfries and to Bawtrie 12 myllis - - -	005 12 00
To helpe to burie a poore mane - -	000 12 00
For solling his Lordships stockengis -	000 03 00

Ane Accompt of his grace my Lord Archbischop of St Androis his deburssementis for necessaris and other wayis at Londoun frome August 30 till Oct. 18, 1664.

Aug. 30.—For a coatch from Holburne with the graith to Vestminster - - -	001 04 00
31.—For oars to and frome Lambeth - -	001 16 00
To my Lord Canterburies porter - -	003 00 00
Sept. 1.—For a coatch to St James, Durham yaird and to Lord Newburghes - - -	001 16 00
To a boy for lighting home his Lordship -	000 06 00
2.—For a coatch to and frome Cabinet Mackens Lord Dunfermling &c. - - -	001 16 00
For a coatch to St James and back to Quheithall -	001 04 00
Books { For abridgment of the Englis statutis -	001 16 00
Books { For a disuasive frome poperie - -	001 16 00
Books { The Lawe of tithes - -	000 06 00
Books { For the historie of Tangeiris - -	000 12 00
Books { For the mystrie of Conventicles -	000 18 00
15.—At Greenvitch to a Maid that shewed the hous	001 04 00
To the sailors whair his Lordship breakfast in the Zeaught	001 10 00
To the sailleris of the Zaught at Owlage -	003 12 00
17.—For a pair of black worset stockeningis -	004 04 00
19.—To Sir Williame Davidsones man that brought venneson - - -	003 00 00
To the archbishop Laudis devotion and a newes book	000 13 00
Sept. 22.—For a paire of french litill sweet gloves to his lordship - - - -	001 16 00
For a coatch and frome Maidenlane Lady Balheavine	001 04 00
For 2 paire of preserves and a caice -	003 18 00

For a coatch to St James and Rothess - -	001	04	00
26.—To his grace going to my Lord Chancellour	003	00	00
Sept. 28.—For 12 ellis of pearline for my Ladie at 20 ß the ell - - - -	012	00	00
29.—For a coatch home and staying at a pinteris	001	04	00
Oct. 4.—For mending and solling his Lordships stockeines	000	12	00
For half deasone combis - -	001	16	00
For a ryding hood - - -	002	08	00
6.—Payed to Johne Kirkwood for his Lordships seale	024	00	00
For a coatch to Old Baillie, Lady Balheavens and staying 5 hours ½ - - -	003	12	00
To a staff with a silver head 2 caice of knyves and a bell	020	08	00
8.—To a boy with ane lanthrene from Lauderdaills	000	06	00
13.—For a paire of Irishe leather gloves for ryding	001	16	00
For a coatch to the Lords Orrories and staying tuo houris	001	10	00
For Ciceros familiar epistillis - -	001	04	00
Enchiridium oratorium et poeticum -	002	02	00
Calligraphia Romana - - -	001	16	00
Howells Hystoricall Institutiounes -	010	16	00
For two paire of Frenche gloves to my Ladie and a paire to his Lordship 3 ß sterling - -	005	08	00
For a coloured muff - - -	006	12	00
For a quheat hood - - -	002	14	00
For a black hood and a skarff - -	006	00	00
To a boy that brought some strong watteris to his Lordship	000	06	00
17.—To a man that brought an India gowne for his Lordship to sie - - -	001	14	00
For a paire of womanes stockingis at my Ladies directione	003	00	00

Accompt of my Lord Archbischop of St Androis his graces chargis for dyet fyre candills at London from Aug. 30 till Oct. 18.

Aug. 30.—For 2 quartis of wheat wyne -	000 16 00
For 3 pound of candillis - -	000 18 00
31.—For botillis of aile beire and bread in the morneing and at night - - - -	001 02 00
For a pullet and makeing readie - -	001 16 00
For aile bread and fruit at dinner -	000 08 00
For a limon and half a cheese - -	000 10 00
For half pound of buttur - - -	000 04 00
Sept. 1.—For a pynt of cherie sek and capers -	000 12 00
3.—For a great loaff - - -	000 12 00
4.—A pynt of cherries at dinner - -	000 08 00
5.—For a pullet and thrie chekkines and dressing	003 10 00
For bread at dinner to be soppittis - -	000 08 00
For buttur vergice capers sugar resines many oranges and almons - - - -	001 08 00
For 2 tartis pears plums and vinagare -	000 19 00
For colliefloures and frenche barley - -	000 18 00
For a leg of Muttoun - -	002 02 00
For a quart of sek and 2 quartes of claret -	001 02 00
12.—At night ane quart of claret with Mr Drummond and another Mr Burnet - -	000 16 00
15.—For a capone and dressing - -	001 16 00
For a pair of rabbets and dressing - -	001 08 00
For 3 partridges and dressing - -	003 06 00
For a loyn of muttoun - - -	001 10 00
For pears grapes and walnettis - -	000 10 00
For ane orange and 5 bottills of Lambeth aill	000 17 00

For caperis parsley and 2 bottillis of claret wyne	000	19	00
For a pynt of Canary and a great loff - -	001	04	00
For pypis tobaco vinagare and small beir -	000	12	00
21.—For claret at night with Sir James Mercer -	000	08	00
23.—For a kinterkin of aile - -	005	03	00
For coffie and bread in the morning - -	000	04	00
For a deasone of whittanes and dresing -	001	08	00
For a sole flook and dresing - -	000	16	00
For claret walnettis and pears - -	000	16	00
Oct. 2.—For tobacco and pypis once to my Lord Lauderdaill and once to Sir John Aytoun - -	000	06	00
3.—For a quart of canary with my Lord Canterburies secretarie - - - -	001	02	00
4.—For 2 bottillis of wyne at Mr Maitlands -	000	18	00
14.—For a neck of muttoun and barley herbes and for dresing - - - -	001	10	00
For a dishe of fishe - - -	001	16	00

Accompt of the Chairgis of my Lord Archbischop of St Androis his gracis Journey from Londoun to Edinburgh begineing Oct. 18 and ending Oct. 27.

Royston.—To the deputie bootcatcher hostler and guyd	002	02	00
Dunstable.—For a petticoat - -	009	18	00
To the woman that keeped Robine Hood wall -	000	06	00
York.—For a coatch to the Ladie bishope of York -	006	00	00
To his lordships porter - -	003	00	00
To prisoners and other poore whên his lordship took horse	000	15	00
For vasheing and mending his lordships cloake -	000	08	00

From St Androis to Edinburgh Dec. 13.

For foure horses to Edinburgh and to the hyrer -	001	10	00
For a horse hyre to Balcarras for Mr Gilbert Burnet	000	12	00

Accompt of Money given to his Grace.

Oct. 30.—To his grace being sabboth - -	001	10	00
Dec. 8.—To his lordship the day Margaret Sharpe was borne 10 dollars - - -	029	00	00
For a Virgall to Williame Sharp and for glasping it	000	16	00
12.—To the poore the day of Margaret Sharpes christeneing - - - -	002	14	00
For a quart of wyne the day of hir christeneing -	002	00	00
23.—For a veale - - -	003	06	00
For a sheepe - - -	002	00	00
For a paire of murefoulis - -	000	10	00

Nov. 5.—Chairgis of the Bonefyre.

For eight load of coalis 10 s the load -	004	00	00
For other eight load of coalis at 9 s the load	003	12	00
For a Tar barrell and setting on the fyre -	000	18	00
For 3 linkis within this 4 dayis - -	000	18	00

Summa of the preceding Accompts.

Summa of the chairge - -	1078	11	08
Dischairge			
Summa of Journey chairgis - -	109	12	04
of Moneyis given to his Grace -	140	18	08
of debursementis be directione - -	613	17	08
of the bonfyre chairgis - -	009	08	00
of Boord wagis and fies to servands -	009	04	00

Summa of coatch and horses chairgis -	085	01 00
of debursements in the hous at St Androis -	028	19 08
Summa of the haill discharge - -	1078	01 04
The balance	000	10 04

DISCHARGE 1665.

March 25.—To his grace to give Collonell Leslie 4 dollars	011	12 00
26.—Sabboth to his grace going to churche ½ doll. 12 ß	002	01 00
27.—At Leith for vyne seck lobster olives &c. -	002	01 00
30.—For a paire of shoes to my Lady -	001	16 00
April 12.—For Moulins vindication of the Protestant Religion - - -	002	00 00
13.—For a coatch to the earle of Montrosse and Lord Glasgow and home - - -	001	10 00
For black silk cord for breeches - -	000	04 00
For limons a deassone - - -	001	16 00
26.—To Earlshall men that brought aples -	000	06 00
May 2.—For a great satin cap to his grace be accompt	004	02 00
3.—For a silver needle to Agnes Sharpe -	001	10 00
4.—For aill and sugar in the morning -	000	04 00
For dinner be bill - - -	005	11 00
For a coatch to the fieldis and back -	001	04 00
May 29.—For a tarr barrell to the bonefyre -	000	12 00
Junij 10.—To my Ladie for payment of the hous accompts preceding this day conforme to accompt -	087	15 04
30.—For 3 horse hyre to Saltoun and ther chairgis at hyreing - - -	006	06 00

July 5.—For 3 monthis coatch maill till the 5 of Apryle frome the 5 of Januar	-	-	018 00 00
To the poore in the Parliament Close and at Lord Glasgowes	-	-	000 04 04
19.—For transcryveing a paper in a fine hand sent to London	-	-	001 04 00
23.—For ane ell of holland to be bandis to William Sharpe			004 10 00
For some fyne Venuce paper for his grace	-		000 03 00
24.—Debursed for his grace at Rosling	-	-	002 18 00
Mair at the oyll well	-	-	000 12 00
To his lordship when he went to Rosling 2 groats and turneris	-	-	000 17 08
26.—To my Lord Provest man that brought a piece of wyne	-	-	005 16 00
30.—To two porters for beireing in a puncheon of vyne			000 08 00
Aug. 2.—To William Seatones servants for mending some cloathis to his grace and in drink money for making a new cassick	-	-	000 12 00
For 4 ellis ½ of taffata to be that cassick at 8 ℔ 10 ʃ the ell	-	-	034 00 00
3.—For 14 loads of coallis for the bonefyre at 10 ʃ the load	-	-	007 00 00
For 4 vnces of Sugare plumes	-		001 02 00
5.—To his grace to give Edward the pleasant 2 doll.			005 16 00
For 2 tarr barrellis to the fyre	-		000 16 00
8.—For fraught for his grace, the company, 3 horses and the graith	-	-	005 16 00
For breakfast at Kinghorne thair being many servantis			003 08 00
13.—To Hendrie Russell for bringing home the trunk with my lordis cushion, and solen geese and glasses		-	000 12 00
24.—For a new vainscott table	-	-	005 13 00

For half dezon of stoolis at 18 ʃ the peice	-	005	08 00
Sept. 14.—To his grace to give Johne Buchanon with newes of the victorie	- -	002	18 00
19.—To my Lord Lowres man that brought fruit	-	001	09 00
Payed for the hous accomptis for vyne conforme to the accompt frome September 11 till September 20	-	036	18 00
20.—For 2 young henes and a dishe of Startichokes at supper	- - -	001	04 00
For six rollis and 3 pyntis of aill	- -	000	12 00
Oct. 4.—For the heirdis fie this half yeire	-	002	04 00
19.—To a poor man and to a pyper	- -	000	08 00
20.—For a paire of chamber gloves to his grace		000	14 00
For 2 vnces of fine sealling waxe	- -	000	12 00
Dinner be bill for broth and whittines	-	000	12 00
For beef and cabbage	- -	001	04 00
For a shouldour of muttone with caperis and oysteris		001	10 00
For 2 pulletis	- - -	001	10 00
For a muirfoul and patridge	- -	002	08 00
For pears and nutts	- - -	000	04 00
For a chopine of sak	- -	001	00 00
For aill and bread at dinner to the company and to servandis	- - -	000	15 00
For sugare and aill in the morneing afternoon and at night		000	11 04
21.—To the provest of Edinburghes nurse at Abbotishall		002	18 00
24.—For beeff at Dundie tua carkasses	-	034	00 00
30.—To my Lady to give Mr James Grahame Williame Sharpis regent	- - -	023	04 00
For 2 clubs and 2 ballis to Williame Sharpe	-	001	04 00
Nov. 2.—To ane of the servant woman for hir fie and shoes		006	00 00
7.—For 3 turkie foullis at 2 ℔ 13 ʃ the peice inde	-	007	19 00
13.—To George Andersone for his fie this half yeire		033	06 00

For a great carkase of beiff frome Dundie -	026 13 00
For 2 Kye at 11 ℔ the peice - -	022 00 00
For a deasone of neatis tongus - -	003 00 00
For quheat bread furnished to the hous since Feb. last and flowre - - - -	052 06 00
14.—To his grace going to church on Tuysday	000 12 00
16.—To his grace goeing to church on Thursday	000 12 00
For two goff ballis to Williame Sharpe -	000 08 00
19.—To his grace being Sabboth - -	001 09 00
20.—To Walter Simon footman for his fie this half yeire past - - - -	020 00 00
21.—To Andrew Mylne Cook for his fie last half yeire	024 00 00
To John Bruce in pairt of his fie to ane accompt 12 doll.	034 00 00
27.—For Pagettis Heresiography - -	002 00 00
Dec. 8.—To his grace in a paper to give the Hebrean 10 doll. - - - -	029 00 00
To Balbedies man that brought fruit -	000 12 00
11.—For 3 stane of Spanishe ressins at 7 ℔ 10 ß the stane is - - - -	022 10 00
For half stane of currantis at 13 ß 4 d the ℔ -	005 06 00
12.—For a paire of shoes to the footman -	001 16 00
15.—For dinner at Leith to many company by bill with my Lord Kellie - - -	009 13 00
24.—To his grace being Sabboth - -	001 09 00
Christmas.—To his grace going to Sermon -	001 09 00
Mair to his grace in small money and turners -	001 09 00
2.—To my Newarkis man that brought fourtie brace	001 04 00
To my Lord Bischop of Dunkeldis man with muirfoullis	001 09 00
To poore in the toune conforme to list at his graces direction	020 01 00

CHARGE OF THE HOUS AT EDINBURGH FROM JUNII 12.

For a mutchskin of claret vyne at night and before	000 08 00
13.—For aile in the morning	000 03 00
Dinner for quhittines	000 12 00
For boyld beiff	001 04 00
For a giget of muttoun	001 00 00
For a quarter of lambe	000 15 00
For a mutchskine of sack	000 10 00
15.—For a load of coals	000 09 00
16.—For aile and sugare in the morneing and aile at night	000 11 00
For resines and almonds at night	000 10 00
19.—Boord vagis to Ralphe since Monenday the 12 being 7 dayis	004 04 00
Mair to George Andersone for foure dayis of this veek that his grace dynned abroad at 12 ß per diem	002 08 00
To the footman also 4 dayis	001 04 00
20.—For rifertis and salt	000 05 00
For seck possit sugare and milk	000 13 00
24.—For brown bread and oat bread to the servands	000 12 00
For aile at dinner and when his grace went to bed	000 03 06
27.—For aile this day	000 08 00
For whey and sugare in the morneing	000 03 00
Dinner for a pottage	005 08 00
For 2 greene geise	003 06 00
For Venusone py	005 08 00
For 2 sole fluicks	002 08 00
29.—For aile and neipis in the morneing and at dinner	000 07 00
July 1.—For 3 cheekines	001 04 00
For 3 poutis	001 16 00

7.—For a mutchskine of Ranishe vyne and aill at night	000 13 00
8.—For wormewood aill and other aill in the morneing	000 03 00
To the watter wyff that furnished watter to the hous	000 06 08
19.—For a great loaff	000 06 00
For aill all this day and for sugare to strawberries	000 12 00
For a foul of broath	001 10 00
For a piece of beiff and turneipis	001 08 00
For a shouldiour of muttoun and capers	001 04 00
For 2 rabbittis	001 00 00
For 2 muirfoullis	001 10 00
For 3 poutis	002 05 00
For a dishe of peese	001 10 00
For a dishe of creame strawberries and sugare	001 16 00
For sex rollis to dinner and a mutchskin of seck	000 16 00
For neipis tobaco and pypis	000 04 00
Aug. 6.—For aill this day and quhey and sugare	000 12 06
Supper 2 neatis tongus	001 10 00
For 3 cheekines	000 16 00
For hartichows and sallad	000 16 00
For a mutchskine of seck	000 10 00
For a leg of muttoun and caperis	001 14 00
9.—For a solen goose	001 04 00
For aill neipis and gooseberries at dinner	000 18 00
Nov. 26.—Boord wagis of the servantis being Sunday	002 08 00
28.—For wormwood aill in the morning and other aill at night	000 06 00
For 2 glasses to serve at the table	000 16 00
Dinner for a foull of broath	001 00 00
For a shouldiour of muttoune and oysteris	001 04 00
For a goose	001 10 00
For a paire of rabbittis	001 10 00

For 2 muirfoullis - - -	002 08 00
For a deassone of larkis and a mutchskine of sek	001 02 00
For ane vnce of sugare - - -	000 02 00
For best aill at dinner - - -	000 06 00
30.—For a vyld duck and tuo pliveris -	002 08 00
Dec. 1.—For a pigeon py - -	003 00 00
7.—For a mutchskine of Canarie in the morneing	000 14 00

The haill preceeding accompt in the severall pagis being sowmed and calculate alsweill in grose by the foottis of the pagis as by the extent made of the wholl reduced to the respectiue headis, extends in the haill from Marche 2 to the last of Dec. 1665 inclusive to the soume of - - - - - 3449 04 02

The chairge of dyet and table at Edinburgh found in the end of the book extends to - - 0417 14 06

Suma of the haill exoneratioun and dischairgis amounts to	3866 18 08
The chairge in the first leaff of this book comes to	3867 02 02
So that the charge exceids the dischairge in -	000 03 06

Accompt of Moneyies resaiued be Mr George Martine for my Lord Archbischop of St Androis his graces vse frome Januar first 1666 till end.

Resaiued from Thomas Glover for his years rent 906 lib 13 d quhairof 666 : 13 : 4 sealed vp in a bag given to his grace—inde to be chairged on the other tuo merkis given to Mr Scharpis Apryll 5th 030 00 00

Restand by the Compter at the fitting of his last accomptis conform to his other book - - 000 03 06

Jany. 8.—Receaved from his grace in order to the Journey to Falkland when his grace was godfather 20 dollors inde (This returned back to my Lord and not to be compted for).			
15.—Frome Thomas Glover for the Laird of Aytouns compositione of Burneturk - -	150	00	00
18.—Mair frome him which at his first entrie he receaved from Alexander Forrester for which gave a ticket	266	13	04
Frome John Pattone to ane accompt and in pairt of payment of the bygane few deuties of the parroche of Muckart	082	16	00
Feb. 13.—Receaved frome Johne Robertson being pairt of his intromissione with your gracis rentis be South Forth	336	00	00
Feb. 28.—Frome Johne Robertsone -	144	00	00
Mar. 6.—Mair from him - - -	503	00	00
30.—Frome Thomas Glover in St Androis -	429	00	00
31.—Frome Doctor Moir for his compositione at his entrie to the Kirktoune of Dyce - -	133	06	08
Apryll 3.—Frome James Watsone towne clerk of St Androis to ane accompt of the few and 5 merkis on the Prior akeris - - - -	333	06	08
Mair frome Thomas Glover the same day -	153	06	08
25.—Frome Alexander Cunynghame as Rimornies compositione for his tak of tithes - -	200	00	00
26.—Frome the Comissar of St Androis of Quot money	635	16	08
27.—Frome Mr Jolly when he borrowed of your grace vpone tuo severalle nots now reteired -	107	00	00
	3804	09	06

Accompt of moneyis given to his grace since 1 Januar 1666.

Feb. 9.—To your grace on Sabboth at St Androis	001	09	00
To your grace at Edinburgh comeing doune to Leith in small money and turneris - -	003	14	00
15.—To your grace goeing to church on thursday	000	12	00
To your grace the day Johne Sharpe was christened in small money and turneris - -	004	07	00
Mar. 18.—To your grace at Agnes Sharpis buriall 10 dollars - - - -	029	00	00
Apryl 12.—To your graces going to sermon on Good Fryday - - -	001	09	00
To your grace goeing to sermon on Easter day	001	09	00
20.—To the medwyff - - -	002	18	00
May.—To your grace in a paper given to my Lady	100	00	00

Accompt of Moneyis debursed at his Graces directione to barberis poore and others.

Januar 1.—To Williame Sharpe to give in hansell at Colledge tuo half crownis inde - -	003	00	00
To the drummer and pyper at St Androis 2 dollors inde	005	16	00
To a poor distressed gentleman at the loudging -	000	12	00
4.—To Williame Sharpe to give a contribution in the colledge - - - -	001	04	00
6.—To a barber - - -	000	18	00
10.—To my Lady Athollis medvyff 8 dollors inde	023	04	00
To hir Ladyships nurs 5 dollors - -	014	00	00
To the Porter - - -	041	00	00
To a hieland piper - - -	001	09	00
To the poore ther - - -	000	06	00

11.—To the Mr of Eliot man with hony aquavitie	001 16 00
12.—To my Lord Athollis man with vyld foull and haires	002 08 00
For carieing up of tuo puncheons of vyne from Anstruther	004 00 00
To a poore man with many children -	000 06 00
To Maior Hayes at my Ladies directione -	002 18 00
For a quarters board of Margaret Sharpe -	010 00 00
17.—To the poore at the Abbay - -	000 03 04
To the drumers of the toune of Edinburgh -	002 18 00
To the Trumpeteris of the toune of Edinburgh -	002 18 00
Drink money for 2 half barrell of herring sent to your grace frome my Lord Argyll and carrieing to the loudging	003 04 00
31.—To a poore gentlewoman given by your grace	002 18 00
Feb. 3.—To poore these foure dayis - -	000 09 00
15.—To the Clerk of the sessione at giveing vp John Sharpis name - - -	008 14 00
To the poore 2 dollors - - -	005 16 00
To Williame Sharp for contribution for furnishing coalis in there schoole - - -	000 18 00
21.—To the violers in the Abbay - -	002 18 00
Mar. 2.—To Edward Cleevland pleasant -	002 18 00
15.—To the men that helped Ralph at the breakeing of the coach at Kincaple and for aill to thame and for helping to bring in the hors - - -	001 04 00
To the tuo Meassones that cam frome Dundie to vait on your grace at Scottiscraig 4 dollors - -	011 12 00
19.—To the Laird of Kirknes man that brought troutis and pykis 1 dollor ½ - - -	004 07 00
To the Laird of Nydies man that brought troutis	000 12 00
20.—To Baillie Weymes woman that brought a ham	000 06 00
To my Lord Athollis servant that brought muirfoulis	001 10 00

To George Nairne for bowelling A. S. and for a schear cloath 15 dollors - - -	043 10 00
Mair to Andrew Sword for the same vse 3 dollors	008 14 00
To be distribut among the poore the day of the buriall	011 12 00
To the servantis about the kirk 2 dollors -	005 16 00
For the mortcloath 1 dollor - -	002 18 00
To the persones that carried the silver staffis 3 dollors	008 14 00
To the poore box in the sessione - -	066 13 04
22.—To my Lord Commissioners violers 4 dollors	011 12 00
To my Lord Commissioners Trumpeter 4 doll. -	011 12 00
Mair to the Coupar baxter for bakeing of pasties	011 12 00
To Harie Swane for his panes and service 3 doll. -	008 14 00
23.—At the Laird of Sandfurdis hous 1 doll. -	002 18 00
To the hous of the Ellie 5 doll. - -	014 10 00
29.—To my Ladie Newarks nurse 5 doll. -	014 10 00
To the poore at Newarke - -	000 12 00

Accompt of Moneyis diebursed for necessars.

For a chopen of cynamon watter sent to St Androis	004 16 00
For Ovids Workis in on volume - -	003 00 00
For Buchannons Nomenclature to William Sharpe	000 06 00
For a book to wryte the Inventare of the wrytis of Scots-craig - - - -	001 14 00
For 2 ellis ½ of holland hair stuff for a coat to William Sharpe at 4 ℔ 10 s the ell is -	011 05 00
For a hatt to your grace and another to William Sharpe	036 00 00
For a pair of new shoes to your grace and in drink money	003 06 00
For Buxtorfs Hebrew Grammar For ane Hebrew Psalme Book } - -	001 08 00
The accompt of the sweet meatis carried over to St Androis in Feb. last extends to the soum of - -	047 16 00

To a hood to my Ladie and a sword belt to Williame Sharpe - - - - 005 08 00

The Dischairge of moneyes peyed be me Mr George Martine in name and for the use and by ordour from my Lord St Androies, consists of money peyed from the first of January 1666 to the 3d of May 1666 inclusive.

Of money given to his Grace - -	1230 10 10
For the Hous - - -	0541 07 10
Of money peyed by ordour - -	0753 11 08
For expenses in Journey - -	0174 10 04
For Coatch and horses - - -	0249 03 03
For servant fies - - -	0089 08 00
For necessars - - -	0356 12 00
For dyet at Edinburgh - -	0408 19 03
In all - - - -	3304 09 06

ACCOMPT OF YOUR GRACIS JOURNEY CHAIRGIS FROME EDINBURGH TO LONDON BEGINNING THE THIRD DAY OF MAY 1666 IN THE AFTERNONE ALL FORMIER ACCOMPTIS BEING FITTED THEN.

May 3. Edinburgh.—To your graces going out to Brunstone 1 dollour - - -	002 18 00
Given in earnest at hyring the horsses and spent	000 12 00
For corne and hay to the black horse and bilder	001 03 00
For foure new shoes to the bilder - -	001 00 00
For a quarter of pound of sugar plums to your grace	001 16 00
4. Gingilkirk.—To the poore - -	000 12 00
Lauderfort.—To the Houskeeper - -	001 10 00
To the Gardiner - - -	000 12 00

5. Kelso.—To the poore ther - -	000 12 00
Ouller.—For dinner in meat - -	003 12 00
For sek and beir - - -	002 02 00
To your grace to give the Kelso guyde -	003 00 00
6. Morpeth.—To the collectione at the church	003 00 00
For dyet on Saturday and Sabboth be bill -	019 00 00
For a horse to Newcastell with a lettre frome York	002 00 00
Newcastill.—For sugare plums for your grace ½ pound	002 14 00
To the Newcastill guyde - -	000 06 00
Chester.—For dinner in mutton bread a pye &c. -	002 14 00
To your grace to give the poore in usuall money	000 19 04
Ferriehil.—For beir bread milk and sugare -	002 06 00
7.—Darnton. (Darlington.)—For supper -	003 12 00
Northallertoun.—For beir aile bread &c. -	001 16 00
To the poor ther - - -	002 00 00
Browbridge. (Boroughbridge.)—For dinner in vyne beire meat &c. - - - -	008 00 00
8.—Wedderbie.—For supper breakfast wyne beir &c.	009 18 00
9.—Ferriebridg.—For supper and breakfast in the post hous	004 06 00
Pontefract castill.—For 4 horsses hither, guyd groat, and to the guyd - - -	002 00 00
For denner and for limon and oranges - -	003 14 00
To the man that went to the castell -	000 12 00
To Williame Wilsone hyrer in pairt of his hyre -	052 00 00
For supper and breakfast at the coatchhous -	008 16 00
For 4 places in the coatch at 24 li℔ the peice inde -	096 00 00
To the poore ther, at Robin Hoods well, and twyce by the way - - - -	000 16 00
10.—Duncaster—For aill and to the drawer -	000 14 00
Batrie.—For supper be bill - -	006 12 00
Carltoun.—For dinner be bill and to the drawer -	003 12 00

Newark.—For beir and to the drawer -	000 10 00
Granthame.—For beir wyne bread and to the drawer	001 02 00
Stamfoord.—For dyet on Satturday, Sabboth and Monenday morneing be bill - - -	032 16 00
To your Grace for a collection in the churche -	003 00 00
Stiltoun.—To the keeper of the gate for the coach passing	000 06 00
Skinburrie.—For dinner be bill - -	004 00 00
Bagilsworts.—For supper be bill -	011 12 00
Wallem.—For denner be bill and to the drawer -	006 15 00
Barnet.—For Beire - -	000 12 00
To the Lord Lauderdaills porter - -	001 10 00
London.—For beir at Holburne -	000 14 00

Accompt of your Lordshipis Chairgis at London for dyet, fyre, lodgeing &c. since May 15.

May 15.—For 2 pound of Candels and three rollis at supper	000 15 00
16.—A pound of butture - -	000 08 00
For a pullet and for dresing - -	001 18 00
18.—For a leg of lamb and dresing -	001 14 00
For a dishe of markrellis - - -	001 04 00
19.—For 2 greene gees - -	004 10 00
For 4 tame pigeons - - -	000 06 00
21.—For 2 duckis and dresing and sauce -	001 18 00
22.—For a loyne of veal and dresing - -	002 06 00
For sallad and buttur for the veall -	000 08 00
For creame chees - - -	000 08 00
25.—For tobacco and pypes after denner and at night with my Lord Lauderdaille - -	000 05 00
28.—For whey in the morneing and a botill of aill -	000 07 00
29.—For strawberries and cherries -	001 02 00

For asovergus, (asparagus) a limon and gooseberries for the meat - - -	001 14 00
For sugare parslie cream and a sallad - -	001 05 00
For 3 peckis of peese - -	002 02 00
For a leg of muttoun and for dresing - -	002 06 00
For 2 greene geese and dresing - -	003 14 00
For four rabbettis and dresing - -	002 18 00
For thrie cheekines and dresing - -	002 16 00
For a dishe of barley broath and beiff - -	002 02 00
For dresing the peese and asparagus -	000 08 00
For a loaf - - - -	000 09 00
For oranges - - -	000 18 00
For 9 quartis of aill and table beir in the morning and at dinner - - - -	001 05 00
For 3 quartis of claret wyne at dinner -	001 10 00
For a quart of High Countrey wyne - -	000 12 00
For 2 bottillis of aill and a pynt of wyne at night	000 12 00
June 18.—For whey aill and dishe of buttur in the morning	000 18 00
For a leg of muttoun - . -	001 14 00
For a paire of cheekines - -	001 04 00
For hartichokis and 2 quartis of beans - -	000 18 00
For cherries and strawberries - -	000 09 00
For a quarter of lambe - - -	002 04 00
For cherrie seck and claret - -	001 02 00
19.—For a great peice of beiff to poulder -	003 04 00
21.—For two turkie cheekines -	002 08 00
27.—For green fishe and soals and for dressing and for egges - - - -	002 06 00
July 10.—For Lambeth aill and beir at dinner	000 14 00

Accompt of your Gracis chairgis at London in Coachis, drink money, barbers, lodgeing, water, bookis and other necessaris and of money given out at your Gracis direction since May 15.

May 15.—For a coach frome Holburne to King streit	001	04	00
16.—To my Lord Lauderdaills footman -	000	12	00
To a porter going to Whithall - -	000	12	00
17.—For oares to and frome Lambeth - -	001	10	00
To my Lady Castlemaines porter -	000	12	00
For a coach to my Lord Dumfreis - -	000	12	00
18.—For a paire of Cordevan gloves -	001	16	00
For a coach to and frome my Lord Middleton's -	001	04	00
For a coach to General Duellis (Dalzell's) Lord D. Munmouth and waiting - - -	001	04	00
To the Archdean 10 ℔ st. - -	120	00	00
20.—For a barber - - -	000	18	00
21.—For a coach to and frome Westminster Abbay	001	04	00
For earnest of the stamped leather hangings -	003	00	00
22.—To a gardiner man at St Jameses -	000	12	00
To your grace to give a Scottis gentleman in dineing rowme	003	00	00
For a coach to Suffolk Street and to St Jameses -	001	04	00
25.—To Mr Smyth Lord Canterburrie Secretarie 10 ℔ sterling - - -	120	00	00
For a bonfyre on the 29 May 3 dezone of faggotis	002	14	00
30.—For a gazet and a bill of mortallitie -	000	02	00
31.—For Articles of peace betuixt Gayland and Governour of Tangier - - -	000	02	00
For lodgeing maill frome Maij 15 that your grace came to Londone till Maij 29 being tuo weekis at 18ʃ ster. in the week - - -	021	12	00

June 4.—For a coach to Suffolk buildings St Jameses and home - - -	001 10 00
To my Lord Lauderdaills gardiner in Haygate -	001 10 00
8.—To your grace to give Lady Curriour -	036 00 00
13.—For oares to and frome Lambeth with my Lord Atholl and Stormont - - -	001 16 00
For a Gazet to the current intelligence -	000 02 00
21.—For a coach to Lord Middletons, the cabinet makeris, Lady Newburghis and home and for a narrative of the sea fight - - - -	001 16 00
For eight of great Lumbard paper -	000 08 00
23.—To the Archdeane at your graces directione -	180 00 00
28.—For mending my Ladies watch -	001 16 00
For 6 yeardis and a ½ of podesway at 7 ℔ 10 ß the ell	048 05 00
For 14 yeardis of black wattered moyhaire stuff at 3 ℔ 6 ß	046 04 00
For six yeardis of strip silk stuff at 3 ℔ 18 ß the ell	015 08 00
For 11 yeardis and ½ of boday serge at 3 ℔ 6 ß the ell	015 11 00
For sex paire of quhit glovis to my Ladie -	007 04 00
For sex paire of Frenche glovis - -	009 00 00
For tuo bird eyes hoodis - - -	003 12 00
For a scarff and tuo other hoodis -	009 00 00
For a paire of mounted gloves with ribbanes and knotis suitable - - -	015 12 00
For a quhit hood - - -	002 14 00
For tuo fanes and tuo rollis - -	006 00 00
For a silver needle to my Lady - -	001 16 00
For 2 ell and ½ of skarlet at 19 ℔ 16 ß to be my Ladies petticoat - - -	047 00 06
For 5 yeardis ½ of flannen for a petticoat to my Ladie at 1 ℔ 11 ß - - - -	009 00 00
For another greene tuilled night cap -	002 14 00

For tuo quhit tuilled capis at night	-	-	003 06 00
For a paire of sweet gloves to your grace	-		001 04 00
For 2 paire of threid stockines at 2 ℔ 8 ʃ the paire	-		004 06 00
For 2 hattis on to your grace and one to Williame Sharpe 4 ℔ 10 ʃ ster.	-	-	054 00 00
July 1.—To your grace goeing to St Martines church 5 half crownes 5 ʃ	-	-	010 10 00
To Sir Johne Aytoun man that brought venusone			001 04 00
3.—To oares to and from Lambeth tuyse this day	-		002 08 00
5.—For a packet of lettres to Scotland	-		000 18 00
6.—Foure fyne timber combis and 2 horne combis with caices			006 06 00
July 7.—To Madam Currour to give in earnest of the pictur			012 00 00
9.—For 12 ellis of ferret ribbanes at 4 ʃ the ell is	-		002 08 00
11.—To a coach to and frome Ladie Ardros on Satturday night	-	-	001 04 00
For ane accompt of bookis from Mr Crookis conforme to his not	-	-	011 04 00
For 3 ellis of taffitie half breid for a scarfe	-		010 16 00
For 7 quares of cutt paper at 5 ʃ the quare	-		001 18 00
For 2 quares of large gilt paper at 10 ʃ the quare	-		001 00 00
For 3 quares of Venice paper at 8 ʃ the quare	-		001 04 00
16.—To my Lady Currour for my Lady Kent powder			054 00 00
Mair for hir ane mask lymon and harthorne to the powder			003 18 00
For a pair of black stockings to your grace	-		004 16 00
For a paire of knyves	-	-	004 16 00
For 2 pocket Bibillis	-	-	007 00 00
For a seare cloth for your gracis issue	-	-	000 09 00
17.—To a jeweller for mounting the Kingis picture			120 00 00
For a coach to Highgate with 4 horses	-		007 04 00
For a coach to Whythall	-	-	000 18 00
For 5 weekis lodgeing at 12 ℔ per week	-		060 00 00

For the Historie of Algeiris and Leighs Observes -	003 06 00
To my Lady Currour for the picture 8 ℔ inde	030 00 00
Mair to hirselff 50 s inde - -	030 00 00
Payed for 5 ℔ of fringes at 1 ℔ 2 s the vnce -	088 00 00
To your grace to give the vpholsterer in Convent Garden	006 00 00
To Mr Burnet for a girdell - -	010 16 00
To Mr Jolly for 2 paire of spurris - -	004 16 00
To Johne Kirkwood for a coatch 5 ℔ 10 s -	066 00 00
Mair to himselff at your graces ordour - -	018 00 00
To the hous at your graces way comeing and for ane accompt of gilt paper - - -	006 10 00
For the horse eight dayis at 16 s the night -	006 08 00
For makeing of 9 bandis at 4 s the peice and 7 paire of cuffis	002 10 00

Edinburgh 4 August.—Summa of the haill foregoino Accompt.

The Chairge - - -	3960 00 00
The Dischairg—	
For Journey vp to London - -	0428 06 06
For dyet, candil &c. at London - -	0483 13 00
For al necessares bought, money given out &c.	2389 03 00
Summa of your Graces haill expenses frome the 4 of May till July 30, is - - -	3829 10 06
Sua the accompter owes to ballance - -	0130 09 06

APPENDIX.

APPENDIX.

NOTE REGARDING THE LETTERS OF HENRY II.

Having, at the request of Mr Macdonald, arranged for the press the Letters of Henry II. and the Letters to the Lairds of Barnbarroch, which are contained in Vol. I. Part II. of this Miscellany, I think it right to lay before the readers the following Letter. The distinguished writer has for some time past been preparing for publication a Collection of the Letters of Queen Mary of Scotland, and in order to render it as complete as possible, has been in correspondence with Mr Macdonald. It is much to be desired that this spirited undertaking may induce such individuals as have access to unpublished letters of that Queen, to communicate them to the Prince of Labanoff through Mr Macdonald, or through the Prince's bankers, Messrs. Coutts & Co. London.

Heidelberg, le 2 Juillet 1839.

Monsieur,

Ayant reçu de M. Theulet les differens recueils que vous lui aviez donné, j'en ai profité pour augmenter ma Collection de Lettres de Marie Stuart, et je m'empresse de vous prier d'agréer mes remercimens pour votre complaisance. Je me permettrai aussi de vous signaler les differences qui existent

entre les dates que portent quelques unes de ces pièces et leur époque véritable ; toutes celles indiquées plus loin sont *d'une année plus tard* qu'elles ne paroissent, la nouvelle année n'étant comptée alors que du Samedi Saint. Ainsi dans le recueil des lettres adressées aux Lairds de Barnbarroch ; celle qui est No. 3, page 10, est de l'année 1560, et non 1559 ; le titre même de *Francorum Rex* le prouve bien, puisque François II. n'est monté sur le trône de France que le 10 Juillet 1559 ; d'ailleurs en 1560, Paques ayant été le 14 Avril, tous les actes signés depuis le 1 Janvier 1560 jusqu'à ce jour devaient être daté alors de 1559. Il en est de même des Lettres Nos. 1, 5, 6, et 7, écrites par Henri II. à la mère de Marie Stuart, la dernière en porte aussi la preuve, le roi lui donnant des nouvelles *de notre petite fille la Royne d'Escosse*, et il est positif que ce n'est qu'en Avril 1548 que Marie Stuart débarqua en France.

Mille excuses d'entrer dans tous ces détails que vous connaissez certainement mieux que moi, mais quand on entre en matière sur un sujet qui interesse, alors on se laisse entrainer sans le savoir.

Je suis bien charmé que cette occasion m'aie procuré l'avantage d'entrer en correspondence avec vous. Vieullez en agréer l'assurance, ainsi que celle de ma consideration bien distinguée.

Le Prince de Labanoff.

P. S. M. Theulet m'a dit que l'on imprime les lettres de Marie Stuart aux Comtes d'Argyll ; J'attends cette publication avec beaucoup d'impatience. Messrs. Coutts &cie. 43,

Strand, sont chargés de me faire parvenir les lettres qu'on leur envoye pour moi ; ils savent toujours ou je suis.

A Monsieur
Monsieur de Macdonald,
Secretaire du Maitland Club,
Ecosse. à Edimbourg.

The difference which has existed at various periods among the nations of Europe, between the historical and the conventional year, is well known as a source of much embarrassment to chronologists. In Scotland the matter is more simple than elsewhere, the legal and conventional commencement of the year having continued to be on the 25th of March, the Feast of the Conception, until the 1st of January was substituted in 1599 by an act of the Privy Council, which has been printed by me in the preface to the Club edition of Moysie's Memoirs. It is quite unnecessary to point out the varying practice of other countries in this respect, but as the dates which are questioned by the Prince of Labanoff occur in documents written in France, a word or two seem required in regard to the usage which prevailed there. It appears that the rule which had been adopted by the early Christians, of dating the year from Christmas, the anniversary of our Saviour's nativity, was abandoned in France about the eleventh century by the substitution of Easter Eve, or Holy Saturday, at least in the public acts and instruments of the Sovereign. But the practice varied throughout the respective provinces

and dioceses of that country, between Christmas, the Conception, and Easter Eve, until the edict of Roussillon in 1563 established the 1st of January, being the Feast of the Circumcision, as the first day of the year ; a rule which has been successively introduced by most countries in Europe, and which at length has become universal as regards the historical, and general for the legal and conventional year. For farther details on this subject, I refer to "Sir Harris Nicolas's Chronology of History," p. 37, or to "L'Art de verifier les Dates."

It is scarcely necessary to mention, that the dates objected to by Prince Labanoff have been printed correctly from the originals, but as they all occur in Royal letters, the presumption is (notwithstanding the varieties of French provincial usage which then obtained) that they belong to the historical years under which he is disposed to class them ; indeed the facts adduced by him, namely, the arrival of Queen Mary in France in 1548, and the accession of her husband to the throne of France in 1559, prove the correctness of his observations. It follows that the arrival of the Marechal de Termes in Scotland took place about Midsummer 1549, and not in 1548, as erroneously noted in the preface to the Letters of Henry II., p. 210.

I take this opportunity of correcting an error which has occurred at p. 378, line 1, of the present volume, where the date of President Spottiswood's death ought to be in 1646, not 1647.

James Dennistoun.

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END OF VOLUME SECOND.

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